UNITED STATES DISTRICT COURT
WESTERN DISTRICT ON NEW YORK

2005 SEP

RAYMOND GONZALEZ, 99-A-1878.
PLAINTIFF,

-VS-

DR. "LESTER WRIGHT.
DR. "HEMAN FOWLER.
F.H.S.D." MARIJON HOPKINS.
CAPTAIN. "STEPHEN WENDERLICH.
SGT. "ERNEST J. SHNE.
SGT. "JACK SMITH.
SGT. "JEFFREY GRAY.
SGT. "JAMES MEEHAN.
CO. "ROBERT SCHEEPSMA.
CO. "TERRY MARZEIT.

CO. "PAUL STEINHILPER
CO. "TIMOTHY BURNS
CO. "M. PERFETTI.
CO. "GREG CHORNEY.
CO. "W. STOWELL.
NURSE. "F. FULLER.
NURSE. "J. BRINK.
NURSE. "K. NORGREN

DEFENDANTS.

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C.§ 1983

PRELIMINARY STATEMENS

1. THIS IS A CIVIL RIGHTS ACTION FILED BY "RAYMOND GONZALEZ, A STATE PRISONER FOR DAMAGES UNDER 42 U.S.C.§ 1983, ALLEGING DENIAL OF MEDICAL CARE, ASSAULT AND BATTERY, MEDICAL MALPRACTICE, DENIAL OF NUTRITIOUS SUPPLEMENT, DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS, AND CRIMINAL CONSPIRACY, IN VIOLATION OF THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION, AND IN VIOLATION FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

STATEMENT OF JURISDICTION

2. THIS IS A CIVIL ACTION SEEKING

dAMAGES to dEFENd AND PROTECT THE RIGHTS GUARANTEEd by the CONSTITUTION OF THE UNITEd STATES, this ACTION IS bROUGHT PURSUANT to 42 U.S.C. § 1983. the COURT hAS JURISdICTION OVER thE ACTION PURSUANT to 28 U.S.C. §§ 1331, 1343 (3) And (4), And 2201.

PARTIES to this ACTION

3. thE PLAINTIFF" RAYMONd GONZALEZ, # 99-A-1878, IS And WAS, At ALL TIMES RELEVANT hERETO. GONZALEZ IS CURRENTLY INCARCERATEd At ELMIRA CORRECTIONAL FACILITY, P. O. BOX 500, ELMIRA, NEW YORK 14902-0500.

4. thE dEFENdANT" DR. LESTER WRIGHT Who IS thE ASSOCIATE COMMISSIONER OF hEALth SERVICES / ChIEF MEdICAL OFFICER OF NEW YORK STATE dEPARTMENT OF CORRECTIONAL SERVICES, ASSIGNEd At ALbANY, Who MANAGE And IS RESPONSIbLE OF ASSURE MEDICAL tREAtMENT FOR PRISONERS With SERIOUS MEdICAL NEEdS Who ARE dENIEd OF MEdICAL tREATMENT IN thE dEPARTMENT OF CORRECTION. Who IS And WAS At ALL tIMES RELEVANT hERETO.

5. thE dEFENdANT" HEMAN FOWLER, IS A PRISON doctoR EMPLOYEE OF (DOCS) Who ASSIGNEd At ELMIRA, Who IS RESPONSIbLE to PROVIdE MEdICAL tREATMENT to PRISONERS At ELMIRA. Who IS And WAS, At ALL tIMES RELEVANT hERETO.

6. thE dEFENdANT" MARIJON HOPKINS, IS thE FACILITY hEALth SERVICES dIRECTOR At ELMIRA, EMPLOYEE OF (DOCS) ASSIGNEd At ELMIRA, Who PURSUANT to" hEALth SERVICES POLICY MANUAL ItEM # 1.12d POLICY:

THE FACILITY HEALTH SERVICES DIRECTOR HAS PRIMARY RESPONSABILITY FOR THE CLINICAL RECOGNITION AND TREATMENT OF KNOWN SUSPECTED CASE OF HIV AND AIDS. WHO IS AND WAS AT ALL TIMES RELEVANT HERETO.

7. THE DEFENDANT "STEPHEN WENDERLICH, IS A CORRECTION CAPTAIN WHO ALSO ACT AS ACTING DEPUTY SUPERINTENDENT OF SECURITY. EMPLOYEE OF (DOCS) WHO BE IN CHARGE OF THE SUPERVISION OF THE UNIT AND PRISONER IN SPECIAL HOUSING UNIT, ASSIGNED AT ELMIRA, WHO IS AND WAS AT ALL TIMES RELEVANT HERETO.

8. THE DEFENDANT "ERNEST J. STINE, IS A CORRECTION SERGEANT EMPLOYEE OF (DOCS) ASSIGNED AT ELMIRA, WHO HAS THE RESPONSABILITY OF SUPERVISION OF THE PRISONERS, AND CORRECTION OFFICERS ON THEIR DUTIES IN SPECIAL HOUSING UNIT. WHO IS AND WAS AT ALL TIMES RELEVANT HERETO.

9. THE DEFENDANTS "JACK SMITH, AND "JEFFREY GRAY, AND "JAMES MEEHAN, WHO THEY ARE CORRECTION SERGEANT, EMPLOYEE OF (DOCS), ASSIGNED AT ELMIRA, WHO HAS THE RESPONSABILITY OF SUPERVISION OF THE PRISONERS AND THE CORRECTION OFFICERS ON THEIR DUTIES IN SPECIAL HOUSING UNIT. WHO THEY ARE AND WAS AT ALL TIMES RELEVANT HERETO.

10. THE DEFENDANTS "FLOYD FULLER, "JENNIFER BRINK, AND "KATHERINE NORGREN, WHO THEY ARE PRISON NURSES EMPLOYEES OF (DOCS), ASSIGNED AT ELMIRA, WHO HAS THE RESPONSABILITY TO PROVIDE MEDICAL CARE AND ASSISTANCE TO PRISONERS AT ELMIRA CORRECTIONAL FACILITY, WHO THEY ARE AND WAS AT ALL TIMES RELEVANT HERETO.

11. THE DEFENDANTS" ROBERT SCHEEPSMA, "PAUL STEINHILPER," TERRY MARGEIT, AND" TIMOTHY BURNS, WHO THEY ARE CORRECTION OFFICERS EMPLOYEE OF (DOCS) ASSIGNED AT ELMIRA CORRECTIONAL FACILITY IN SPECIAL HOUSING UNIT S.H.U. WHO THEY ARE AND WAS AT ALL TIMES RELEVANT HERETO.

12. THE DEFENDANTS" MAURIZIO PERFETTI," GREG CHORNEY, AND" WILLIAM STOWELL, WHO THEY ARE CORRECTION OFFICERS EMPLOYEE OF (DOCS) ASSIGNED AT ELMIRA CORRECTIONAL FACILITY IN SPECIAL HOUSING UNIT S.H.U. WHO THEY ARE AND WAS AT ALL TIMES RELEVANT HERETO.

13. ALL THE DEFENDANTS" WHO APPEAR IN THE CAPTION AND IN THIS CIVIL ACTION THEY ARE SUED IN THEIR INDIVIDUAL CAPACITY.

14. ALSO ALL THE DEFENDANTS WHO APPEAR IN THE CAPTION AND IN THIS CIVIL ACTION ACTED UNDER THE COLOR OF STATE LAW TO DEPRIVE TO THE PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES.

15. ALL THE DEFENDANTS WHO APPEAR IN THE CAPTION AND IN THIS CIVIL ACTION THEY ARE ASSIGNED AND BE WORKING IN THE SAME ADDRESS AT ELMIRA CORRECTIONAL FACILITY, P.O. BOX 500, ELMIRA, NEW YORK 14902-0500. EXCEPT THE DEFENDANT" LESTER WRIGHT, WHO BE ASSIGNED AND WORKING AT ALBANY HIS ADDRESS IS" THE HARRIMAN STATE CAMPUS, 1220 WASHINGTON AVENUE, ALBANY, NEW YORK 12226-2050.

PREVIOUS LAWSUITS IN STATE AND FEDERAL COURTS

16. THE PLAINTIFF HAVE NOT BEGUN ANY OTHER LAWSUITS IN STATE OR FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS CIVIL RIGHTS ACTION.

OTHER LAWSUITS

17. ON DECEMBER 3, 2001 THE PLAINTIFF DID FILED A CIVIL RIGHTS ACTION CASE NO# 01-CV-1811, FOR CONSTITUTIONAL RIGHTS VIOLATIONS, WHICH WAS FILED IN THE NORTHERN DISTRICT OF NEW YORK AGAINST: → GLENN S. GOORD," D. LACLAIR," B. DOMINIE," K. TRIMM," B. CHAMPAGNE, AND" G. WATERSON SAID CIVIL RIGHTS ACTION WAS DISMISSED PURSUANT TO ORDER OF UNITED STATES DISTRICT JUDGE" JOSEPH M. HOOD, DATED NOVEMBER 3, 2003, DISMISSED WITH PREJUDICE FOR FAILED TO THE EXHAUSTION OF ADMINISTRATIVE REMEDIES.

18. FURTHER, REGARDING OTHER LAWSUIT CURRENTLY THE PLAINTIFF DO HAVE HAS A PENDING CIVIL RIGHTS ACTION PURSUANT TO 42 U.S.C. § 1983 CASE NO#: 04-CV-6032, WHICH WAS FILED ON JANUARY 26, 2004 IN THE WESTERN DISTRICT OF NEW YORK AGAINST THE DEFENDANTS: → STEPHEN LASKOWSKI, D. BORAWSKY," BARBARA HIGLEY," E. STOERR "N. RAUSCHE," J. LIBERATORE, AND" M. KARLINSKI, THE CASE WAS ASSIGNED TO THE HON. MAGISTRATE JUDGE" JONATHAN W. FELDMAN, SAID CASE IS STILL PENDING.

19. FURTHER, CURRENTLY THE PLAINTIFF DO HAVE HAS OTHER PENDING CIVIL RIGHTS ACTION FILED PURSUANT TO 42 U.S.C. § 1983 CASE NO#: 04-CV-6612 WHICH WAS FILED

ON FEBRUARY 15, 2005 IN THE WESTERN DISTRICT OF NEW YORK AGAINST THE DEFENDANTS: → JAMES CONWAY, " S. LASKOWSKI, " D. BORAWSKY, " A. WELSH, " D. MORRIS, " A. BARKER, " B. BLENKER, " N. RAUSCHE, " A. BRIGZNA, " J. DEPASQUALE, " M. VERRASTRO, " G. PINKERT, " E. CONDON. " J. PHILLIPS, " F. NICOTRA, " D. NICOSIA, THE CASE IS STILL PENDING.

FACTS

20. ON AUGUST 11, 2004 ABOUT 10:30 A.M. THE PLAINTIFF ARRIVE TO ELMIRA CORRECTIONAL FACILITY COMING FROM ATTICA CORRECTIONAL FACILITY OF WHICH WAS TRANSFERRED.

21. ONCE THERE AT ELMIRA HALF HOUR LATER ON THE PLAINTIFF WAS SEEN BY THE DEFENDANT " FLOYD FULLER, IN SPECIAL HOUSING UNIT SHU. TO WHO THE PLAINTIFF DID REQUEST HIS HIV-MEDICATIONS AND HIS NUTRITIOUS MEDICAL SUPPLEMENT "ENSURE."

22. THE DEFENDANT " FLOYD FULLER, THEN DID TOLD TO THE PLAINTIFF THAT HE WILL TALK WITH THE DOCTOR ABOUT THE HIV-MEDICATIONS THE DEFENDANT " FLOYD FULLER, ALSO DID TRY TO INTIMIDATE TO THE PLAINTIFF. WHO DID TOLD TO THE PLAINTIFF, THAT THE PLAINTIFF MUST NOT SUBMIT COMPLAINT FOR MEDICAL PROBLEM OR INCONVENIENCE IN THE FACILITY, BECAUSE OTHERWISE THE PLAINTIFF WILL HAVE PROBLEM TO OBTAIN HIS MEDICATIONS AND MEDICAL CARE.

23. THE PLAINTIFF WAS NOT PROVIDED WITH HIS HIV-MEDICATIONS NOR HIS NUTRITIOUS MEDICAL SUPPLEMENT ENSURE.

24. THE PLAINTIFF THEN DID SUBMIT REPEATED SICK CALL REQUEST FOR HIS HIV-MEDICATIONS AND HIS NUTRITIOUS MEDICAL ENSURE THROUGH SICK CALL PROCEDURE.

25. ON AUGUST 19, 2004, THE PLAINTIFF WAS CALLED FOR BLOOD DRAWN LABORATORY TES OF "CD4 CELL AND" T-CELL COUNT OF THE HIV-VIRAL LOAD, TO WHICH THE PLAINTIFF DID AGREE, AND PROVIDE.

26. ON AUGUST 25, 2004, THE PLAINTIFF RECEIVED A MEDICAL INTERVIEW WITH THE DEFENDANT" HEMAN FOWLER, TO WHO THE PLAINTIFF DID REQUEST HIS HIV-MEDICATIONS AND HIS NUTRITIOUS MEDICAL ENSURE, THE PLAINTIF ALSO DID TAKE WEIGHT WHICH WAS 127 POUND.

27. DURING SAID MEDICAL INTERVIEW THE DEFENDANT" HEMAN FOWLER, DID INFORM TO THE PLAINTIFF THAT THE BLOOD LABORATORY TEST RESULTS REVEAL AN INCREASE IN THE VIRAL HIV-INFECTION LOAD OF THE PLAINTIFF

28. THE DEFENDANT" HEMAN FOWLER, AS WELL DID TOLD TO THE PLAINTIFF IN CHA'PL NASTY AND UNWELL THAT WILL PRESCRIBE THE HIV-MEDICATIONS, AT ONCE THE PLAINTIF THEN DID REQUEST AGAIN TO THE DEFENDANT, FOWLER, THE PRESCRIPTION OF HIS NUTRITIOUS MEDICAL SUPPLEMENT ENSURE WHICH FORM PART OF THE MEDICAL TREATMENT OF THE PLAINTIFF.

29. IN SHORT, THE DEFENDANT" FOWLER DID REFUSED TO PRESCRIBE THE NUTRITIOUS MEDICAL ENSURE, IN SPITE OF THAT THE PLAINTIFF ALREADY LOSE ABOUT FIFTY POUND.

30. ON THE SAME AUGUST 25, 2005, THE PLAINTIFF WAS PROVIDED WITH HIS HIV

MEDICATIONS, hOWEVER, thE dEFENdANT" FOWLER, did PRESCRIBE to thE PLAINTIFF OTHER dIFFERENT HIV-MEDI-CATIONS WITHOUT CONSULT WITH THE PLAINTIFF FOR ASCERTAIN WHETHER THAT THE NEW MEDICATIONS IS FAVORABLE TO THE PLAINTIFF ANd dO NOT CAUSE SIdE ANd AdVERSE EFFECTS TO THE PLAINTIFF.

31. NEVERTHELESS THE PLAINTIFF did TAKE THE NEW HIV-MEDICATIONS TO PROVE THE RESULTS.

32. hOWEVER THOSE NEW HIV-MEDICATIONS IN SPECIAL THE MEDICATION CALLED "COMBIVIR" did CAUSED AWFUL AdVERSE SIdE EFFECTS TO THE PLAINTIFF SUCH AS NAUSEA, HEADACHE, FATIGUE, MUSCLE PAIN, ANd MUSCLE WASTING.

33. REASON BY WHICH THE PLAINTIFF did WRITE ANd SENT TWO LETTER dATEd SEPTE-MBER 1, ANd 14, 2004 TO THE dEFENdANT" HEMAN FOWLER, IN WHICH THE PLAINTIFF did REQUEST TO THE dEFENdANT" FOWLER, THE PRIOR ORIGINAL HIV-MEDICATIONS. SEE EXhibit (A)(b

34. THE PLAINTIFF ALSO did REQUEST his PRIOR HIV-MEDICATIONS THROUGH SICK CALL PROCEdURE.

35. THE dEFENdANT" FOWLER, did QUITE THE CONTRARY WHO did dISCONTINUE THE HIV-MEDICATIONS OF THE PLAINTIFF ON SEPTEMBER 22, 2004.

FACT #1
UNLAWFUL STOPPEd OF HIV-MEDICATIONS

36. THE PLAINTIFF THEN did FILE A GRIEVANCE dATE SEPTEMBER 26, 2004, IN WHICH did REQUEST his MEdICATION

37. EVIdENTLY this IS A RETALIATORY dENIAL AS THERE IS NOT REASON TO dISCONTINUE PLAINTIFF MEdICATIO

38. SINCE THEN, THE PLAINTIFF HAS SUBMITTED REPEATED SICK CALL REQUESTS, REQUESTING HIS HIV-MEDICATIONS.

39. ON NOVEMBER 3, 2004 THE PLAINTIFF WAS CALLED FOR BLOOD DRAW LABORATORY TEST OF "CD4 CELL AND" T-CELL COUNT, TO WHICH THE PLAINTIFF DID REFUSED DUE TO THAT THE TIME FRAME STANDARD FOR BLOOD DRAW LABORATORY TEST IS EVERY THREE MONTHS.

40. ON NOVEMBER 4, 2004, ABOUT 7:05 AM WHILE THE DEFENDANT" FLOYD FULLER, WERE DOING HIS USUAL SICK CALL ROUNDS, THE DEFENDANT" FULLER, DID TOLD TO THE PLAINTIFF THAT THE HIV-MEDICATIONS, WILL NOT BE PROVIDED, DUE TO THAT THE PLAINTIFF DID REFUSED TO HAV. BLOOD DRAW ON NOVEMBER 3, 2004.

41. THE PLAINTIFF THEN DID WRITE AND SENT A LETTER DATED NOVEMBER 4, 2004 TO THE DEFENDANT" HEMAN FOWLER, IN WHICH THE PLAINTIFF DID REQUEST HIS HIV-MEDICATIONS AND DID REMIND TO THE DEFENDANT" FOWLER, THAT THE REGULATORY SCHEDULE STANDARD FOR BLOOD DRAW LABORATORY TEST IS EVERY THREE MONTHS. A COPY OF SAID LETTER IS ATTACHED AS EXHIBIT (C).

42. THE DEFENDANT" HEMAN FOWLER, DID DISREGARD PLAINTIFF REQUEST OF HIS MEDICATIONS

43. THE PLAINTIFF DID THEN WRITE AND SENT A LETTER DATED NOVEMBER 25, 2004, TO THE DEFENDANT" MARIJON HOPKINS, TO WHO THE PLAINTIFF DID REQUEST ACCESS TO A SPECIALIS AND HIS HIV-MEDICATIONS. A COPY OF SAID LETTER IS ATTACHED AS EXHIBIT (D).

44. ON DECEMBER 1, 2004 THE PLAINTIFF WAS CALLED FOR BLOOD DRAW LABORATORY TEST

OF "CD4 CELL And" T-CELL Count to which the PLAINTIFF did AGREE IN SPITE OF that ON SEPTEMBER 22, 2004 the defendant "HEMAN FOWLER did discontinu the HIV-MEdICATIONS OF the PLAINTIFF.

45. the defendant "MARIJON HOPKINS did SENT A WRITTEN RESPONSE to the PLAINTIFF dated DECEMBER 2, 2004, IN RESPONSE to the PLAINTIFF LETTER REQUEST OF ACCESS to A SPECIALIST And his HIV-MEdICATIONS. A COPY OF SAId RESPONSE IS ATTACHEd AS Exhibit (E).

46. through his EAGERNESS to get RE-PRESCRIBEd his HIV-MEdICATIONS And ACCESS to A SPECIALIST, the PLAINTIFF did WRITE And SENT A LETTER dated DECEMBER 12, 2004 to the LEGAL Aid SOCIETY PRISONERS' RIGHTS PROJECT to who the PLAINTIFF did REQUEST ASSISTANCE About the dENIAL OF his HIV-MEdICATIONS And ACCESS to A SPECIALIST. A COPY OF SAId LETTER IS ATTACHEd AS Exhibit (F).

47. ON DECEMBER 15, 2004 the PLAINTIFF WAS CALLEd to A MEdICAL INTERVIEW with the defendant "FOWLER, to who the PLAINTIFF did REQUEST his NUTRITIOU MEdICAL ENSURE And his ORIGINAL HIV-MEdICATIONS which ARE "VIRACEPT NELFINAVIR And "EPIVIR, who do NOT CAUSE SidE EFFECTS to the PLAINTIFF. the PLAINTIFF WAS directed to TAKE WEIGHT, which WAS 128 POUNd. the NOMAL WEIGHT OF the PLAINTIFF IS 170 POUNd, which did INdICATE that the PLAINTIFF ALREAdY LOST FORTY-TWO POUNd.

48. the defendant "HEMAN FOWLER, then did told to the PLAINTIFF that WILL RE-PRESCRIBE the HIV-MEdICATIONS, but without NUTRITIOUS ENSURE, BECAUSE, the

PLAINTIFF NEEd NOT NUTRITHOUS ENSURE. THE dEFENdANT" HEMAN FOWLER, ALSO did told to the PLAINTIFF that WILL ORdER BLOOd DRAW FOR LABORATORY TEST FOR JANUARY 27, 2005.

49. THE PLAINTIFF THEN did REPRIMANd AND WARN to the dEFENdANT" FOWLER, that he be NOT SUBJECT to ORdER bLOOd DRAW FOR LABORATORY TEST OF "CD4 CELL AND "T-CELL COUNT OUT OF THE SCHEduLE, bECAUSE, THE REGULATORY SCHEduLE STANdARd FOR THIS TYPE OF bLOOd TES IS EVERY THREE MONTHS

50. THE PLAINTIFF ALSO did REPRIMANd AND SCOLd to the dEFENdANT" HEMAN FOWLER duE to that the dEFENdANT" FOWLER, did REFUSEd to PRESCRIBE THE NUTRITHOUS MEdICAL ENSURE to the PLAINTIFF which FORM PART OF THE MEdICAL TREATMENT OF THE PLAINTIFF.

51. THE dEFENdANT" FOWLER, THEN did TERMINATEd THE MEdICAL INTERVIEW WITH THE PLAINTIFF. A COPY OF THE MEdICAL RECORd OF THE PLAINTIFF dATEd DECEMBER 15, 2004 IS ATTACHEd AS EXHIBIT (G) ABOUT SAId MEdICAL INTERVIEW.

52. THE PLAINTIFF THEN did WRITE AND SENT A LETTER dATEd DECEMBER 20, 2004 to the dEFENdANT" MARIJON HOPKINS, IN Which THE PLAINTIFF did REQUEST to the dEFENdANT" HOPKINS, ACCESS TO A SPECIALIST Who CAN MANAGE AdEQUATELY THE MEdICAL TREATMENT OF THE PLAINTIFF, AND did REQUEST his NUTRITHOUS MEdICAL ENSURE. A COPY OF LETTER IS ATTACHEd AS EXHIBIT (H).

53. ON DECEMBER 15, 2004 ABOUT 6:10 P.M. THE PLAINTIFF WAS PROVIdEd AGAIN

with his HIV-Medications EXCEPT his nutritiou ENSURE, AFTER NINETY-ONE days OF being discontinued by the defendant" HEMAN FOWLER.

54. SUCH AS ABOVE-MENTIONED IN PARAGRAPH 36 the PLAINTIFF did GRIEVE APPEAL And EXHAUST the AdMINISTRATIVE REMEDY REGARDING SAID ABOVE DENIAL OF the HIV-MEDICATIONS OF the PLAINTIFF during NINETY-ONE dAYS, GRIEVANCE #: EL-27-296-04. the EXHAUSTION OF SAID GRIEVANCE IS ATTACHED AS EXHIBIT (i).

FACT # 2

SECONd UNLAWFUL DENIAL OF the HIV-MEdICATIONS OF the PLAINTIFF

55. GONZALEZ REALLEGES AND INCORPORATE by REFERENCE his ALLEGATIONS IN PARAGRAPHS 1 through 54 AS IF FULLY RESTATED HEREIN.

56. ON DECEMBER 20, 21, And 22, 2004 the defendant" FLOYd FULLER, who HATE to the PLANTIFF, did REFUSED to PROVIDE the HIV-MEdICATIONS to the PLAINTIFF, Who ALSO did MOCK OF the PLAINTIFF.

57. ON DECEMBER 23, 2004, the defendant JENNIFER BRINK, did INFORM to the PLAINTIFF that the defendant" HEMAN FOWLER, did disCONTINUE the HIV-MEdICATIONS OF the PLAINTIFF

58. the PLAINTIFF then did REQUEST his HIV MEdICATIONS And his NUTRITHOUS ENSURE throug SICK CALL PROCEdURE, without RESULTS.

59. the PLAINTIFF ALSO did WRITE A LETTER dated DECEMBER 27, 2004 to the defendant" HEMAN FOWLER, About it NEW DENIAL OF the

HIV-MEDICATIONS OF THE PLAINTIFF.

60. IN ADDITION THE PLAINTIFF DID FILED A GRIEVANCE DATED DECEMBER 28, 2004 BECAUSE OF IT SECOND DENIAL OF THE HIV-MEDICATIONS OF THE PLAINTIFF BY THE DEFENDANT" FOWLER.

61. THE PLAINTIFF ALSO DID WRITE THREE LETTER TO THE DEFENDANT" MARILYN HOPKINS, DATED DECEMBER 30, 2004, AND JANUARY 3, AND 5, 2005, TO WHO THE PLAINTIFF DID REQUEST HIS MEDICATIONS AND NUTRITIOUS ENSURE, AND ACCESS TO A SPECIALIST, WHO DID DISREGARD PLAINTIFF REQUEST.

62. ON JANUARY 5, 2005, ABOUT 9:50 A.M. THE PLAINTIFF RECEIVED A CALL OUT FOR A MEDICAL INTERVIEW WITH THE DEFENDANT" FOWLER, WH DID OFFER PRESCRIBE THE HIV-MEDICATIONS TO THE PLAINTIFF IN EXCHANGE FOR BLOOD DRAW WITHIN TWO MORE WEEKS.

63. THE PLAINTIFF THEN DID REPRIMAND AND REJECT IT UNLAWFUL OFFER AND PRETENSE OF THE DEFENDANT" FOWLER, DUE TO THAT THE REGULATORY STANDARD FOR BLOOD DRAW LABORATORY TEST IS EVERY THREE MONTHS.

64. THE DEFENDANT" HEMAN FOWLER, DID NO PRESCRIBE THE HIV-MEDICATIONS TO THE PLAINTIFF DUE TO THAT THE PLAINTIFF DID REJECT IT UNLAWFUL OFFER AND PRETENSE OF BLOOD DRAW LABORATORY TEST WITHIN TWO WEEKS.

65. THROUGH HIS EAGERNESS TO GET THE PRESCRIPTION OF HIS HIV-MEDICATIONS AND HIS NUTRITIOUS ENSURE, THE PLAINTIFF DID WRITE THRE LETTER TO THE DEFENDANT" LESTER WRIGHT, WH DID DISREGARD, NOR NEITHER RESPOND TO THE PLAINTIFF REQUEST AND COMPLAINT OF THE DENIAL OF HIS HIV-MEDICATIONS AND NUTRITIOUS ENSU

the PLAINtiff did SAid ABOVE REQUEST to the dEFENdANt" WRIGHT" IN his LETTER dAted JANUARY 17, 2005, FEBRUARY 14, 2005, ANd MARCH 1, 2005.

66. the PLAINtiff did ALSO WRITE three LETTER dated JANUARY 20, 2005, FEBRUARY 18 2005, ANd MARCH 24, 2005, to PRISONER'S LEGAL SERVICES OF NEW YORK to who the PLAINtiff did REQUEST LEGAL ASSISTANCE to AdVOCATE ON bEhALF OF the PLAINtiff to ObtAIN RE-PRESCRIBEd his HIV-MEdICATIONS ANd his NUTRITIOUS ENSURE.

67. ALSO SINCE DECEMBER 23, 2004, WhEN the PLAINtiff WAS INFORMEd OF the dENIAL, the PLAINtiff did SUBMITTEd dAILY SICK CALL REQUES IN Which did REQUEST his HIV-MEdICATIONS ANd NUTRITIOUS ENSURE, AS WELL AS Other MEdICA ISSUES, Without RESULTS.

68. the PLAINTIFF ALSO did WRITE two LETTER to the LEGAL AId SOCIETY PRISONERS RIGHTS PROJECT dated DECEMBER 12, 2004, ANd JANUARY 9, 2005, to who the PLAINtiff did REQUEST LEGAL ASSISTANE to AdVOCATE ON bEhALF OF the PLAINtiff to ObtAIN RE-PRESCRIBEd his HIV-MEdICATIONS ANd his NUTRITIOUS ENSURE.

69. the PLAINtiff did AS WELL WRITE A LETTER to MR." ALAN J. CROCE," ChAIRMAN / COMMISSIONER OF NEW YORK STATE COMMISSION OF CORRECTION, dAtEd JANUARY 27, 2005. IN Addition the PLAINtiff ALSO did WRITE A LETTER dAtEd JANUARY 25, 2005 to the SUPERINTENdENT" CALVIN E. WEST, OF ELMIRA CORRECTIONAL FACILIT to who the PLAINtiff did CALL ONE'S AttENtION ANd COMPLAIN About the DENIAL OF his HIV MEdICATIONS ANd his NUTRITIOUS ENSURE.

70. ON FEBRUARY 23, 2005, the dEFENdANT ROBERT SChEEPSMA, did told to the PLAINTIFF

that the PLAINTIFF do HAVE A doctor CALL out FOR A MEDICAL INTERVIEW with the DEFENDANT" FOWLER, HOWEVER, About FIFTEEN LATER ON About 9:45 A.M. the DEFENDANT" ROBERT SCHEEPSMA, did told to the PLAINTIFF that they MAKE MISTAKE And that THEREFORE the PLAINTIFF do NOT HAVE NOT ANY doctor CALL out.

71. ON MARCH 2, 2005 About 9:35 A.M the PLAINTIFF RECEIVED A CALL out FOR A MEDICAL INTERVIEW With the DEFENDANT" FOWLER during it MEDICAL INTERVIEW, the PLAINTIFF did REQUEST his HIV-MEDICATIONS And his NUTRITIOUS ENSURE, MOREOVER the PLAINTIFF did ASK to the DEFENDANT" HEMAN FOWLER, Who WERE ACCOMPANIED AS USUAL by the DEFENDANT" FLOYD FULLER, Why did DISCONTINUE his HIV-MEDICATIONS.

72. the DEFENDANT" HEMAN FOWLER, then did told to the PLAINTIFF IN CHAPE NASTY that HE do Not HAVE TIME RIGHT NOW to RESPOND It QUESTION, And that HE ONLY WILL to PRESCRIBE the HIV-MEDICATIONS Without NUTRITIOUS ENSURE And that the SICK CALL INTERVIEW be TERMINATE then AT ONCE the DEFENDANTS" HEMAN FOWLER And" FLOYD FULLER, did GO AWAY OF the SERGEANT ROOM AT SPECIAL HOUSING UNIT SHU, IN Which MADE their USUAL MEDICAL INTERVIEW. And the PLAINTIFF WAS ESCORTED to his CELL IN SHU

73. ON the SAME MARCH 2, 2005 About 6:50 P.M. the PLAINTIFF WAS PROVIDED AGAIN With his HIV-MEDICATIONS EXCEPT his NUTRITIOUS ENSURE, AFTER SEVENTY days OF BEING DISCONTINUED by the DEFENDANT" HEMAN FOWLER

74. SUCH AS ABOVE-MENTIONED IN PARAGRAPHS 60 the PLAINTIFF did GRIEVE APPEAL And EXHAUST the AdMINISTRATIVE REMEDY OF

SAID ABOVE SECOND DENIAL OF THE HIV-MEDICATIONS OF THE PLAINTIFF DURING SEVENTY DAYS, GRIEVANCE # EL-27-789-04, THE EXHAUSTION OF SAID GRIEVANCE IS ATTACHED AS EXHIBIT (J).

FACT # 3

MALICIOUS CONSPIRACY WITH CHEMISTRY HARMFUL SUBSTANCE

75. GONZALEZ REALLEGES AND INCORPORATES BY REFERENCE HIS ALLEGATIONS IN PARAGRAPHS 1 THROUGH 74 AS IF FULLY RESTATED HEREIN.

76. FROM NOVEMBER 3, 2004, THE PLAINTIFF BEGIN TO EXPERIENCE AND HAVE MICROORGANISMS AND PATHOGENS INTO HIS STOMACH, AS WELL AS INCESSANT AWFUL BURN PAIN IN HIS STOMACH, CHEST, AND LUNGS, BECAUSE OF CHEMISTRY HARMFUL SUBSTANCE WHICH WAS AND IS PLACED IN HIS FOOD IN SPECIAL HOUSING UNIT BY THE DEFENDANTS " T. MARZELT, " T. BURNS, " P. STEINHILPER, R. SCHEEPSMA, " E. CHORNEY, " W. STOWELL, " M. PERFETTI, " E. SHINE, " J. SMITH, " J. MEEHAN, " J. GRAY, AND " S. WENDERLICH.

77. DUE TO THOSE MALICIOUS CONSPIRACY WITH THOSE CHEMISTRY HARMFUL SUBSTANCE AGAINST THE PLAINTIFF, THE PLAINTIFF DID FILED A GRIEVANCE DATED DECEMBER 27, 2004.

78. ON DECEMBER 29, 2004, THE DEFENDANTS T. MARZELT, " T. BURNS, " P. STEINHILPER, " R. SCHEEPSMA, " W. STOWELL, AND " ERNEST SHINE, DID PLACED AN CHEMISTRY HARMFUL SUBSTANCE IN THE BREAKFAST AND THE LUNCH OF THE PLAINTIFF, WHICH DID THAT THE PLAINTIFF UNEXPECTEDLY DID EXPEL AN STRANGE PHLEM BY HIS RECTAL TRACK BY HIS BUTTOCK, AN

PHLEM IN FORM OF YELLY WITH SCUM, IN WHICH THE PLAINTIFF ALSO DID EXPERIENCE INCESSANT AWFUL BURN PAIN IN HIS STOMACH, BUTTOCK, AND LUNGS.

79. THE PLAINTIFF THEN DID WRITE A LETTER TO THE HON. "JONATHAN W. FELDMAN, U.S. MAGISTRATE JUDGE, WHO CONDUCT ANY AND ALL OF THE PROCEEDING OF THE CIVIL RIGHTS SUIT OF THE PLAINTIFF NO. 04-CV-6032, LETTER DATED DECEMBER 29, 2004, TO WHO THE PLAINTIFF ALSO DID SENT A COPY OF HIS GRIEVANCE DATED DECEMBER 27, 2004 CONCERNING SAID ABOVE MALICIOUS CONSPIRACY WITH CHEMISTRY HARMFUL SUBSTANCE AGAINST THE PLAINTIFF.

80. ON JANUARY 1, 2005, ABOUT 10:15 A.M. THE CORRECTION LIEUTENANT "EUGENE ERNY DID CAME TO THE PLAINTIFF CELL DOOR TO INVESTIGATE THE GRIEVANCE OF THE PLAINTIFF DATED DECEMBER 27, 2004 CONCERNING THE CHEMISTRY HARMFUL SUBSTANCE AGAINST THE PLAINTIFF, IN WHICH THE LIEUTENANT "ERNY ALSO DID INTERVIEW TO "MR. WILLIAM BONEZ DIN#81-A-3849 WITNESS OF THE PLAINTIFF IN SAID GRIEVANCE.

81. HOWEVER SAID GRIEVANCE DATED 12/27/04 WAS BLOCKADED WHICH ACCORDING TO THE IGP SUPERVISOR K. GASCON, SAID GRIEVANCE DO NOT APPEAR AS FILED.

82. ON JANUARY 14, 2005, THE PLAINTIFF DID BE AWARE THAT A SORE DID ARISE ON THE BUTTOCK OF THE PLAINTIFF NEAR THE RECTAL AREA, THE PLAINTIFF DID BLEED BY SAID SORE AND EXPERIENCE SEVERE PAIN, WHICH SAID SORE WAS CREATED AND ARISE BECAUSE OF ONE OF THE DIFFERENT CHEMISTRY HARMFUL SUBSTANCE WHICH WAS PLACED IN THE FOOD OF THE PLAINTIFF IN SPECIAL HOUSING UNIT SHU, BY THE DEFENDANTS "T. MARTSELT," T. BURNS, "P. STEINHILBER, "R. SCHEEPSMA, "G. CHORNEY, "W. STOWELL,"

M. PERFETTI, " E. SHINE, " J. SMITH, " J. MEEHAN, " J. GRAY, AND " S. WENDERLICH.

83. ON FEBRUARY 13, 2005, WHILE THE PLAINTIFF WERE DOING HIS LEGAL WORK IN HIS HOUSING UNIT 7-42 CELL SHU, THE PLAINTIFF UNEXPECTEDLY DID EXPEL AN STRANGE PHLEM BY HIS RECTAL TRACK BY HIS BUTTOCK, A PHLEM IN FORM OF JELLY WITH SCUM, THE PLAINTIFF ALSO DID EXPERIENCE INCESSANT AWFUL BURN PAIN IN HIS BUTTOCK, STOMACH, AND LUNGS.

84. THE NEXT DAY, FEBRUARY 14, 2005, WHILE THE PLAINTIFF WERE IN HIS HOUSING UNIT 7-42 CELL SHU, THE PLAINTIFF UNEXPECTEDLY DID BLEED BY HIS RECTAL TRACK BY HIS BUTTOCK AND DID EXPERIENCE AWFUL CHILLS IN HIS BODY, AND STOMACH AND CHEST PAIN, THOSE ABOVE DAMAGE DONE TO THE PLAINTIFF STATED IN THE PARAGRAPH 83 AND IN THIS PARAGRAPH WAS CAUSED TO THE PLAINTIFF WITH CHEMISTRY HARMFUL SUBSTANCE WHICH WAS PLACED IN THE FOOD OF THE PLAINTIFF BY THE DEFENDANTS " T. MARZELT, " T. BURNS, " P. STEINHILPER, " R. SCHEEPSMA, " G. CHORNEY, " W. STOWELL, " M. PERFETTI, " E. SHINE, " J. SMITH, " J. MEEHAN, " J. GRAY, AND " S. WENDERLICH.

85. ON FEBRUARY 19, 20, 21, AND 22, 2005, WHILE THE PLAINTIFF WERE DOING HIS LEGAL WORK IN HIS HOUSING UNIT 7-42 CELL IN SPECIAL HOUSING UNIT SHU, THE PLAINTIFF UNEXPECTEDLY DID EXPEL SAID STRANGE PHLEM BY HIS RECTAL TRACK BY HIS BUTTOCK, AND ON FEBRUARY 22, 2005 THE PLAINTIFF DID BLEED BY HIS RECTAL TRACK AND DID EXPERIENCE INCESSANT AWFUL BURNS PAIN IN HIS BUTTOCK, STOMACH, AND LUNGS, SAID DAMAGES WAS DONE AND CAUSED TO THE PLAINTIFF WITH THE CHEMISTRY HARMFUL AND MORTAL SUBSTANCE WHICH WAS PLACED IN THE FOOD OF THE PLAINTIFF BY THE ABOVE-MENTIONED DEFENDANTS.

86. THE PLAINTIFF THEN DID SUBMIT A GRIEVANCE COMPLAINT DATED FEBRUARY 23, 2005 BECAUSE OF THOSE ABOVE MALICIOUS CONSPIRACY WITH CHEMISTRY HARMFUL SUBSTANCE USED AGAINST THE PLAINTIFF.

87. THE PLAINTIFF ALSO DID WRITE A LETTER DATED MARCH 1, 2005 TO THE HONORABLE "JONATHAN W. FELDMAN, U.S. MAGISTRATE JUDGE CONCERNING THE DAMAGES DONE TO THE PLAINTIFF WITH THOSE CHEMISTRY HARMFUL SUBSTANCE, TO WHO THE PLAINTIFF DID SENT A COPY OF HIS GRIEVANCE DATED FEBRUARY 23, 2005.

88. FROM MARCH 4, 2005, THE PLAINTIFF BEGIN TO EXPERIENCE SEVERE CATARRH, THROAT AND CHEST PAIN, BECAUSE OF ANOTHER DIFFERENT CHEMISTRY HARMFUL SUBSTANCE WHICH WAS PLACED IN HIS FOOD BY THE ABOVE-MENTIONED DEFENDANTS.

89. DUE TO SAID ABOVE DAMAGES DONE TO THE PLAINTIFF WITH THOSE CHEMISTRY HARMFUL SUBSTANCE, THE PLAINTIFF DID ALSO WRITE A LETTER DATED APRIL 3, 2005, TO MR. "ALAN J. CROCE," WHO IS THE CHAIRMAN/COMMISSIONER OF N.Y. STATE COMMISSION OF CORRECTION, TO WHO THE PLAINTIFF DID REQUEST A INVESTIGATION.

90. THE DEPUTY DIRECTOR MR. "DONALD NADLE[R] OF N.Y. STATE COMMISSION OF CORRECTION DID SUGGE[ST] TO THE PLAINTIFF IN A WRITTEN RESPONSE DATED APRIL 1[?] 2005, THAT THE PLAINTIFF SHOULD DIRECT HIS CONCERNS TO THE INSPECTOR GENERAL OF N.Y. DEPARTMENT OF CORRECTION.

91. THE PLAINTIFF THEN DID WRITE A LETTER T[O] THE INSPECTOR GENERAL "BRIAN MALONE, DATED APRIL 17, 2005, TO WHO THE PLAINTIFF DID REQUEST A INVESTIGATION ABOUT THOSE CHEMISTRY HARMFUL SUBSTANCE WHICH STILL ARE PLACED IN FOOD OF THE PLAINTIFF.

92. NOWADAYS THE PLAINTIFF STILL IS VICTIM OF THIS RETALIATORY MALICIOUS CONSPIRACY WITH THOSE CHEMISTRY HARMFUL SUBSTANCE, IN WHICH THE PLAINTIFF DO REQUEST MEDICAL CARE FOR MICROORGANISMS AND PATHOGENS WHICH THE PLAINTIFF HAVE IN HIS STOMACH AND SYSTEM, CREATED BY THOSE CHEMISTRY HARMFUL SUBSTANCE WHICH ARE PLACED IN THE FOOD OF PLAINTIFF IN SPECIAL HOUSING UNIT SHU BY THE DEFENDANTS "T. MARGEIT," "T. BURNS," "P. STEINHILPER," "R. SCHEEPSMA," "G. CHORNEY," "W. STOWELL," "M. PERFETTI," "E. STINE," "J. SMITH," "J. MEEHAN," "J. GRAY, AND" "S. WENDERLICH.

93. SUCH AS ABOVE-MENTIONED IN PARAGRAPH 86 THE PLAINTIFF DID GRIEVE APPEAL AND EXHAUST THE ADMINISTRATIVE REMEDY CONCERNING SAID ABOVE MALICIOUS CONSPIRACY, GRIEVANCE NO. # EL-28-067-05, THE EXHAUSTION OF SAID GRIEVANCE IS ATTACHED AS EXHIBIT (K).

FACT # 4

MEDICAL MALPRACTICE ON THE PLAINTIFF AND HIS MEDICAL RECORD

94. GONZALEZ REALLEGES AND INCORPORATE BY REFERENCE HIS ALLEGATIONS IN PARAGRAPHS 1 THROUGH 93 AS IF FULLY RESTATED HEREIN.

95. ON THE MONTH OF NOVEMBER 2004 THE PLAINTIFF DID SUBMITTED REPEATED WRITTEN SICK CALL REQUESTS IN WHICH THE PLAINTIFF DID INCLUDE AND REQUEST IN HIS ALMOST DAILY SICK CALL REQUEST, SEVERAL REQUEST FOR MEDICAL CARE FOR MICROORGANISMS, PATHOGENS, AND AWFUL BURN PAIN IN HIS STOMACH, CHEST, AND LUNGS.

96. THE DEFENDANTS "FLOYD FULLER," "JENNIFER BRINK," "HEMAN FOWLER," AND "

KATHERINE NORGREN, did NOT RECORDED SAID ABOVE-MENTIONED PLAINTIFF TRUE MEDICAL REQUEST ON THE AMBULATORY MEDICAL RECORD OF THE PLAINTIFF, ACCORDING to the MANDATED STANDARDS.

97. ON the MONTH OF DECEMBER 2004, the PLAINTIFF did SUBMITTED REPEATED WRITTEN SICK CALL REQUESTS IN WHICH the PLAINTIFF did INCLUDE AND REQUEST IN HIS ALMOST DAILY SICK CALL REQUEST, SEVERAL REQUESTS FOR MEDICAL CARE FOR MICROORGANISMS, PATHOGENS, AND INCESSANT BURN PAIN IN THE SHOULDER AND LUNGS.

98. ON the MONTH OF JANUARY 2005, the PLAINTIFF did SUBMITTED REPEATED WRITTEN SICK CALL REQUESTS IN WHICH the PLAINTIFF did INCLUDE AND REQUEST IN HIS ALMOST DAILY SICK CALL REQUEST, SEVERAL REQUEST FOR MEDICAL CARE FOR A SORE WHICH did GRO ARISE ON the BUTTOCH OF THE PLAINTIFF by WHICH the PLAINTIFF did bLEED. the PLAINTIFF ALSO did INCLUDE SEVERAL SICK CALL REQUE FOR MEDICAL CARE FOR MICROORGANISMS AN PATHOGENS.

99. ON the MONTH OF FEBRUARY 2005, th PLAINTIFF did SUBMITTED REPEATED WRITTEN SICK CALL REQUESTS IN WHICH the PLAINTIFF did INCLUDE AND REQUEST IN HIS ALMOST DAI SICK CALL REQUEST, SEVERAL SICK CALL REQUE DUE TO that the PLAINTIFF did bLEED by th RECTAL TRACK by his buttock. the PLAINTI ALSO did INCLUDE SEVERAL SICK CALL REQUE FOR AN STRANGE PHLEM WHICH the PLAINTI did EXPEL by HIS RECTAL TRACK by his butt ock. the PLAINTIFF AS WELL did INCLUDE SEVERAL REQUESTS FOR MEDICAL CARE FOR MICROORGANISMS AND PATHOGENS.

100. ON THE MONTH OF MARCH 2005, THE PLAINTIFF did SUBMITTED REPEATED WRITTEN SICK CALL REQUESTS, IN WHICH THE PLAINTIFF did INCLUDE IN HIS ALMOST DAILY SICK CALL REQUESTS, SEVERAL SICK CALL REQUESTS FOR CATARRH, THROAT, AND CHEST PAIN. THE PLAINTIFF ALSO did INCLUDE SEVERAL SICK CALL REQUESTS FOR MICROORGANISMS, PATHOGENS, AND INCESSANT BURN PAIN IN HIS STOMACK, AND CHEST.

101. THE DEFENDANTS "FLOYD FULLER," "JENNIFER BRINK," "HEMAN FOWLER," AND "KATHERINE NORTGREN, did NOT RECORDED SAID ABOVE-MENTIONED PLAINTIFF TRUE MEDICAL REQUESTS ON THE AMBULATORY MEDICAL RECORD OF THE PLAINTIFF, ACCORDING TO THE MANDATED STANDARDS, WHICH ARE STATED IN THE ABOVE PARAGRAPHS 97, 98, 99, AND 100.

102. ON MARCH 7, 2005, THE PLAINTIFF WAS PROVIDED WITH THE MEDICATION CALLED "GUAIFENSIN SR 600 MG." FOR THE CATARRH, AND THROAT PAIN OF WHICH THE PLAINTIFF did COMPLAIN, WHICH WAS PRESCRIBED TO THE PLAINTIFF BY THREE DAYS BY THE DEFENDANT "HEMAN FOWLER.

103. ON MARCH 14, 2005, ABOUT 7:10 A.M. THE DEFENDANT "JENNIFER BRINK, did CAME TO THE PLAINTIFF CELL DOOR DURING THE SICK CALL ROUNDS TO PROVIDE SICK CALL ATTENTION TO THE PLAINTIFF, AS THE PLAINTIFF did SIGNED UP FOR SICK CALL. THE PLAINTIFF THEN did COMPLAIN TO THE DEFENDANT "BRINK, ABOUT THE MICROORGANISMS AND PATHOGENS, AND did REQUEST TO SEE THE DOCTOR TO SEEK MEDICAL CARE FOR THE MICROORGANISMS, AND PATHOGENS.

104. THE DEFENDANT "JENNIFER BRINK, THEN did TOLD TO THE PLAINTIFF, THAT THE

PLAINTIFF NEEd NOT SEE THE doctor FOR this, BECAUSE ShE had the MEdiCATION FOR this. the dEFENdANT" BRINK then did GIVE to the PLAINTIFF the MEdiCATION "SIMEthICONE ChEWABLE TABLET 80 MG" AS MEdiCATION FOR the MICROORGANISMS ANd PAThOGENS. A COPY OF the PLAINTIFF SICK CALL REQUEST dATEd MARCh 13, 2005, IS ATTAChEd AS Exhibit (L).

105. the PLAINTIFF did SubMITTEd OThER REPEATEd SICK CALL REQUEST dATEd MARCh 14, 2005, IN Which the PLAINTIFF did REQUEST MEdiCAL CARE FOR MICROORGANISMS ANd PAThOGENS, AS the MEdiCATION PROVIdEd to the PLAINTIFF by the dEFENdANT" JENNIFER BRINK CONSTITUTE AS WELL A MOCKERY.

106. the NEXT dAY, MARCh 15, 2005, the dEFENdANT" JENNIFER BRINK, did CAME to the PLAINTIFF CELL door AGAIN during the SICK CALL Rounds, IN Which the PLAINTIFF did COMPLAIN AGAIN, to the dEFENdANT" BRINK, About the MICROORGANISMS ANd PAThOGENS

107. the dEFENdANT" JENNIFER BRINK, then did told to the PLAINTIFF the FOLLOWING WORds → "YESTERdAY I did GIVE You MEdiCATION FOR this," the PLAINTIFF then did KEEP STILLNESS ANd did NOT ARGUMENT.

108. ON MARCh 18, 2005, About 7:05 A.M. the dEFENdANT" FLOYd FULLER, did CAME to the PLAINTIFF CELL door to PROVIdE SICK CALL ATTENTION to the PLAINTIFF, AS the PLAINTIFF did SIGNEd UP FOR SICK CALL. the PLAINTIFF then did COMPLAIN to the dEFENdANT" FULLER About the MICROORGANISMS, PAThOGENS, ANd INCESSANT BURN PAIN IN his STOMACh, ANd did REQUEST to SEE the doctor to SEEK MEdiCAL CARE FOR the MICROORGANISMS ANd PAThOGENS.

109. the defendant "Floyd Fuller, then did told to the plaintiff that he will talk with the doctor about this.

110. On March 22, 2005, the plaintiff begin to receive a medication called "Zantac 150 MG", which was prescribed to the plaintiff by the defendant "Floyd Fuller, for the microorganisms, pathogens and burn stomach pain. A copy of the plaintiff sick call request dated March 17, 2005, is attached as Exhibit (M).

111. On April 6, 2005, about 9:30 A.M. the plaintiff received a call out for a medical interview with the defendant "Heman Fowler, to who the plaintiff did complain and did request medical care for the microorganisms and pathogens, by which the plaintiff did request urine laboratory test, which is the appropriate medical test procedure for evaluation of the microorganisms and pathogens infection. included blood tes

112. the defendant "Heman Fowler, did told to the plaintiff that he will order urine and blood test for evaluation. However, so far the defendant "Fowler, did not order said test for the purpose of protect to the defendants who do place the chemistry harmful substance in the food of the plaintiff. Moreover the defendant Fowler, did recorded other false medical problem in the ambulatory medical record of the plaintiff, for hide evidence about the microorganisms and did false recorded of diarrhoea, and constipation

113. the plaintiff did grieve appeal and exhaust the administrative remedy concerning said above-mentioned medical malpractice grievance No# EL-28-428-05, the exhaustion of said grievance is attached as Exhibit (N).

FACT # 5

THIRD UNLAWFUL DENIAL OF THE HIV-MEDICATIONS OF THE PLAINTIFF.

114. GONZALEZ REALLEGES AND INCORPORATES BY REFERENCE HIS ALLEGATIONS IN PARAGRAPHS 1 THROUGH 113 AS IF FULLY RESTATED HEREIN.

115. ON APRIL 6, 2005, ABOUT 9:40 A.M. THE PLAINTIFF DID RECEIVE A CALL OUT FOR A MEDICAL INTERVIEW WITH THE DEFENDANT "HEMAN FOWLER, WHO AFTER 222 DAYS OF DENIAL DID PRESCRIBE TO THE PLAINTIFF ONLY ONE CAN OF HIS NUTRITIOUS ENSURE INSTEAD OF THREE CAN AS IS MANDATORY.

116. ON MARCH 3, 4, AND 16, 2005, AND ALSO ON APRIL 1, 4, 15, 19, AND 20, 2005, THE DEFENDANT "FLOYD FULLER," DID MOCK THE PLAINTIFF AND DID NOT PROVIDE THE HIV-MEDICATIONS NOT THE NUTRITIOUS ENSURE TO THE PLAINTIFF, DUE TO THAT THE DEFENDANT "FULLER, HATE TO THE PLAINTIFF

117. SUCH AS ABOVE-MENTIONED IN PARAGRAPH 72 IN WHICH STATED THAT ON MARCH 2, 2005 THE DEFENDANT "HEMAN FOWLER, DID RE-PRESCRIBE THE HIV-MEDICATIONS TO THE PLAINTIFF.

118. FORTY-NINE DAYS AFTER, ON APRIL 20, 2005, THE DEFENDANT "HEMAN FOWLER, DID DISCONTINUE AGAIN THE HIV-MEDICATIONS AND THE NUTRITIOUS ENSURE OF THE PLAINTIFF, WHICH CONSTITUTE THE THIRD DENIAL, EXCEPT THAT THE NUTRITIOUS ENSURE ONLY WAS PROVIDED TO THE PLAINTIFF DURING TWELVE DAYS.

119. THE PLAINTIFF THEN DID SUBMITTED REPEATED SICK CALL REQUEST IN WHICH DID REQUEST HIS HIV-MEDICATIONS AND HIS NUTRITIOUS ENSURE, WITHOUT RESULTS.

120. ON MAY 4, 2005, About 9:30 A.M. the PLAINTIFF RECEIVE A CALL out FOR blood DRAW LABORATORY TEST OF " CD4 CELL AND " T-CELL COUNT to which the PLAINTIFF did AGREE IN SPITE OF that ON APRIL 20, 2005, the defendant " HEMAN FOWLER, did discontinue the HIV-MEDICATIONS AND the NUTRITIOUS ENSURE OF the PLAINTIFF.

121. SO FAR the DENIAL OF the HIV-MEDICATIONS AND the NUTRITIOUS ENSURE OF the PLAINTIFF do FOLLOW its COURSE AND CONTINUE. the PLAINTIFF ALSO do HAVE AS WITNESSES IN this DENIAL to MR. Eddy FLORES, DIN#94A559 MR. " KEVIN HERNANDEZ, DIN#: 03·A·1055, AND MR. " CARLOS VASQUEZ, DIN#: 97·A·1363.

122. the PLAINTIFF did GRIEVE APPEAL AND EXHAUST the ADMINISTRATIVE REMEDY CONCERNING SAID ABOVE-MENTIONED third DENIAL OF the HIV-MEDICATIONS AND NUTRITIOUS ENSURE OF the PLAINTIFF, DENIAL which still CONTINUE. GRIEVANCES NO# EL-28-503-05 AND " EL-27-148-04. the EXHAUSTION OF SAID GRIEVANCES IS ATTACHED AS EXHIBITS (O) AND (P).

FACT # 6

ASSAULT ON the PLAINTIFF

123. GONZALEZ REALLEGES AND INCORPORATES by REFERENCE his ALLEGATIONS IN PARAGRAPHS 1 through 122 AS IF FULLY RESTATED hEREIN

124. ON JUNE 22, 2005, About 9:45 A.M. While the PLAINTIFF WERE IN his housing UNIT 1-16 CELL IN SPECIAL housing UNIT SHU. the PLAINTIFF did RECEIVE A CALL out FOR A MEDICAL INTERVIEW with the defendant " HEMAN FOWLER.

125. the PLAINTIFF then WAS handcuffed behind BACK by the defendants" timothy BURNS, And" Robert SCHEEPSMA, At ONCE both defendants" BURNS And SCHEEPSMA, did SEARCHED ESCORT And PLACE the PLAINTIFF IN A SMALL ROOM ACROSS HALL IN FRONT OF the SERGEANT ROOM IN the SAME SPECIAL housing UNIT S.H.U.

126. then About FIVE MINUTE LATER ON, thi defendant" JEFFREY GRAY, did OPEN the SMALL ROOM IN Which WERE the PLAINTIFF, And did ORDERED to the PLAINTIFF to GO towards the SERGEANT ROOM INTO Which WERE the defendant" HEMAN FOWLER, Who WERE ACCOMPANIED AS USUAL by the defendant" FLOYD FULLER.

127. ONCE there the PLAINTIFF WAS directed to SIT by the defendant" FLOYD FULLER, the PLAINTIFF then did SIT to BEGIN the MEDICAL INTERVIEW with the defendant" HEMAN FOWLER Who WERE SIT IN FRONT OF the DESK.

128. the defendant" HEMAN FOWLER, then did ASKED to the PLAINTIFF "how ARE you," the PLAINTIFF did RESPOND And told to the defendant" FOWLER, that" the PLAINTIFF ONLY KNOW that the PLAINTIFF be IN JAIL.

129. the defendant" HEMAN FOWLER, then did told to PLAINTIFF IN SHAPE OF MOCKERY that he be IN JAIL too.

130. At ONCE the defendant" HEMAN FOWLER did OPEN the MEDICAL RECORD OF the PLAINTIFF, And did EXPLAIN to the PLAINTIFF IN SHAPE INCOMPREHENSIBLE About the blood LABORATORY test RESULTS OF the" CD4 CELL COUNT, And" t-CELL COUNT, OF the HIV LOAD IN the blood OF the PLAINTIFF, OF the blood DRAW TAKEN ON MAY 4, 2005.

131. IN Addition the defendant" HEMAN FOWLER, ALSO did told to the PLAINTIFF IN SHAPE OF MOCKERY AND DEMAGOGUE that..." that if the PLAINTIFF WANT TAKE his HIV-MEDICATIONS.

132. the PLAINTIFF then did told to the defendant" HEMAN FOWLER, that this is A QUESTION OF MOCKERY AND FULLY ABSURD, because he has about NINE MONTHS IN which did DENIED the HIV-MEDICATIONS AND the NUTRITIOUS ENSURE FOR his HIV-STATUS TREATMENT, AND that NOW COME to PLAY GAME with stupid QUESTION AND MOCKERY.

133. At ONCE the defendant" FLOYD FULLER, did told to the PLAINTIFF to WATCH OUT, AND SHUT the Mouth.

134. the PLAINTIFF then did told to the defendant" FLOYD FULLER, that the PLAINTIFF do HAVE RIGHT to TALK, AND CLAIM his RIGH

135. then SUDDENLY the defendant" FLOYD FULLER, did VIOLENT SEIZE, TAKE AWAY AND DRAW to the PLAINTIFF OF the CHAIR ON which WERE SIT, AND did BEAT to the PLAINTIFF ON the head, NECK, SHOULDE AND BACK AGAIN AND AGAIN, WHILE the defendant" FULLER, ALSO did MAINTAIN to the PLAINTIFF SEIZED by the throat VERY tight.

136. the defendant" JEFFREY GRAY, did then OPEN the DOOR OF the SERGEANT ROOM AND did INTERVENE AND TAKE AWAY to the PLAINTIFF OF the VIOLENT CLAW OF the defendant" FLOYD FULLER, WHILE the defendant GRAY, did told to the defendant" FULLER, "I HAS him", AND did TAKE OUT OF the ROOM AND ESCORT RETURN to the PLAINTIFF to his CELL ALONG with the defendant" Robert SCHEEPSMA.

137. AS OUTCOME OF THIS MALICIOUS ASSAULT ON THE PLAINTIFF THE PLAINTIFF DID SHOWED AND EXPERIENCE SEVERAL LACERATIONS AND BRUISE ON HIS NECK, AND SHOULDER, AND SWELLING ON HIS HEAD, AND NECK, AS WELL AS PAIN IN HIS NECK HEAD, SHOULDER, AND BACK.

138. THE PLAINTIFF DID REQUEST, AND WAS DENIED OF MEDICAL CARE FOR SAID ABOVE DAMAGES.

139. THE ASSAULT ON THE PLAINTIFF WAS RECORDED FILM IN THE SERGEANT ROOM WHICH ALSO DO HAVE HAD VIGILANT CAMERA WHICH DO RECORDED AND FILM ALL MOVEMENT AS PART OF THE SECURITY IN SPECIAL HOUSING UNIT S.H.U.

140. THE PLAINTIFF DID REQUEST THE PRODUCTION OF THE VIDEO TAPE, WHICH WILL INTRODUC AS EVIDENCE IN THIS COURT THE VIDEO TAPE WHIC DID RECORDED AND FILM THIS MALICIOUS ASSAULT ON THE PLAINTIFF BY THE DEFENDANT" FULLER.

141. THE PLAINTIFF DID GRIEVE APPEAL AND EXHAUST THE ADMINISTRATIVE REMEDY OF THE GRIEVANCE CONCERNING SAID ABOVE MALICIOUS ASSAULT ON THE PLAINTIFF, GRIEVANCE NO#: EL-28-799-05, THE EXHAUSTION OF THE GRIEVANC IS ATTACHED AS EXHIBIT (Q).

FACT # 7

DENIAL OF ACCESS TO SPECIALIST AND ALL PRIMARY HEALTH CARE

142. GONZALEZ REALLEGES AND INCORPORATES BY REFERENCE HIS ALLEGATIONS IN PARAGRAPHS 1 THROUGH 141 AS IF FULLY RESTATED HERE

143. through the health services POLICY MANUAL, the PLAINTIFF did KNOW And be AWARE that the "FACILITY health SERVICES DIRECTOR," is the Medical Authority At the CORRECTIONAL FACILITY FUNCTIONING AS the SUPERVISOR to ALL health UNIT STAFF And IS RESPONSIBLE FOR ALL ASPECTS OF INMATE health CARE SERVICES.

144. REASON by which AS ABOVE-MENTION IN PARAGRAPHS 43, 52, And 61, IN which the PLAINTIFF did STATEd AddRESSEd SEVERAL LETTER to the dEFENdANT" MARIJON hOPKINS, dATEd NOVEMbER 25, 2004, DECEMbER 20, 2004 And JANUARY 3, And 5, 2005.

145. IN which the PLAINTIFF did REQUEST to the dEFENdANT "MARIJON hOPKINS, ACCESS to A SPECIALIST who CAN MANAGE the HIV-MEdICAL TREATMENT OF the PLAINTIFF AdEQUATEL the PLAINTIFF ALSO did REQUEST his HIV-MEdICATIONS, his NUTRIHOUS ENSURE, And MEdICAL CARE FOR MICROORGANISMS And PATHOGENS the PLAINTIFF AS WELL did COMPLAIN to dEFENdANT" hOPKINS, by dENIAL OF SICK CALL REQUES And the UNLAWFUL PRETENSE OF the dEFENdAN FOWLER, OF TRY ObTAIN bLOOd LAb. TEST OUT OF STANdAR

146. the ONLY RESPONSE OF the dEFENdANT MARIJON hOPKINS, toWARd the PLAINTIFF IN ALL this MEdICAL DENIAL AGAINS the PLAINTIF WAS A dEMAGOGUE And NEGLIGENT RESPONS OF which the PARAGRAPh 45 do MENTION And IS ATTAChEd AS EXhIbIT (E).

147. the PLAINTIFF ALSO did SENT OTHERS SEVERAL MEdICAL REQUESTS to the dEFENdAN MARIJON hOPKINS, dATEd JUNE 5, 2005, JULY 4, 14, 24, And 28, 2005.

148. IN SAID ABOVE LETTER ADDRESSED to the defendant" MARIJON hopkins, the PLAINTIFF did COMPLAIN by DENIAL OF MEDICAL CARE FOR MICROORGANISMS AND PATHOGENS, AND his HIV-MEDICATIONS AND his NUTRITIOUS ENSURE, AND by DENIAL OF SICK CALL REQUESTS, AND IBUPROFEN AND OTHERS MEDICATIONS WHICH NEED NOT MEDICAL PRESCRIPTION, the PLAINTIFF ALSO did REQUEST to the defendant" hopkins, ACCESS to A SPECIALIST, AND MEDICAL CARE AND X-RAY to determine the SEVERE PAIN IN his head, NECK, Shoulder, AND BACK CAUSED by the ASSAULT ON the PLAINTIFF by the defendant" Floyd FULLER.

149. the PLAINTIFF ALSO did REQUEST INFORMATION to the defendant" MARIJON hopkins About A SUSPICIOUS (PPV) VACCINE ADMINISTERED to the PLAINTIFF by the defendant" JENNIFER BRINK, AS WELL the PLAINTIFF did REQUEST ACCESS to INSPECT his MEDICAL RECORD to the defendant" MARIJON hopkins, SO FAR without RESULTS.

150. IN SPITE that the PLAINTIFF LOOK A SKELETAL PHYSICAL FIGURE, AND that the PLAINTIFF ALREADY LOSE FIFTY (50) POUND, SO FAR, NOT YET the defendant" MARIJON hopkins, did NOT PROVIDE to the PLAINTIFF NONE OF SAID ABOVE MEDICAL REQUESTS, EVEN though the defendant" hopkins, KNOW AND UNDERSTAND that ALSO ARE his RESPONSIBILITY PROVIDE to the PLAINTIFF SAID ABOVE MEDICAL REQUESTS to which the PLAINTIFF to be ENTITLED to obtain.

151. the PLAINTIFF did GRIEVE APPEAL AND EXHAUST the ADMINISTRATIVE REMEDY OF the GRIEVANCE CONCERNING SAID ABOVE MEDICAL DENIAL AGAINST the PLAINTIFF, GRIEVANCE NO: EL-28-864-05, the EXHAUSTION OF the GRIEVANCE IS ATTACHED AS EXHIBIT (R).

CLAIMS FOR RELIEF

A. the FAILURE OF the dEFENdANT" LESTER WRIGHT, STATEd IN PARAGRAPHS 65 UNTIL 150 to ORdER PROVIdE MEdICAL TREATMENT to the PLAINTIFF FOR his H.I.V-STATUS, Who WAS INFORMEd AND ACTUALLY KNOW the SERIOUS MEdICAL CONdITION OF the PLAINTIFF, CONSTITUTEd dELIBERATE INdIFFERENCE to the PLAINTIFF SERIOUS MEdICAL NEEdS IN VIOLATION OF the EIGHTH AMENdMENT to the UNITEd STATES CONSTITUTION.

B. the FAILURE OF the dEFENdANT" HEMAN FOWLER, STATEd IN PARAGRAPHS 26 UNTIL 150 to PROVIdE MEdICAL TREATMENT to the PLAINTIFF FOR his H.I.V-STATUS, AND MICROORGANISMS AND PATHOGENS, AND his NUTRITIOUS ENSURE, AND COMMIT NEGLIGENCE ON the PLAINTIFF AND his MEdICAL RECORd, CONSTITUTEd dELIBERATE INdIFFERENCE to the PLAINTIFF SERIOUS MEdICAL NEEdS, AND MALPRACTICE, IN VIOLATION OF the EIGHTH AMENdMENT to the UNITEd STATES CONSTITUTION.

C. the FAILURE OF the dEFENdANT" MARIJON hOPKINS, STATEd IN PARAGRAPHS 26 UNTIL 150 to PROVIdE MEdICAL TREATMENT to the PLAINTIFF FOR his H.I.V-STATUS, AND MICROORGANISMS AND PATHOGENS, AND FAIL to PROVIdE to the PLAINTIFF ACCESS to A SPECIALIST, AND ACCESS to INSPECT his MEdICAL RECORd, AND FAIL to PROVIdE to the PLAINTIFF MEdICAL CARE AND X-RAY FOR the DAMAGES CAUSEd BY the ASSAULT ON the PLAINTIFF, CONSTITUTEd dELIBERATE INdIFFERENCE to the PLAINTIFF SERIOUS MEdICAL NEEdS IN VIOLATION OF the EIGHTH AMENdMENT to the UNITEd STATES CONSTITUTION. AND IN VIOLATION OF the HEALTH SERVICES POLICY MANUAL ITEMS #1.12, 1.21, 1.46, 4.10, AND 6.1, A COPY OF the HEALTH SERVICES POLICY MANUAL ITEM #6.1, IS ATTACHEd AS Exhibit (S

D. THE ACTIONS OF THE DEFENDANT" STEPHEN WENDERLICH, STATED IN PARAGRAPHS 76 UNTIL 92 OF CONSENT AND INSTRUCT TO PLACE CHEMISTRY HARMFUL SUBSTANCE IN THE FOOD OF THE PLAINTIFF, CONSTITUTED THE UNNECESSARY AND WANTON INFLICTION OF PAIN, IN VIOLATION OF THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

E. THE ACTIONS OF THE DEFENDANTS" ERNEST J. STINE," JACK SMITH," JEFFREY GRAY, AND" JAMES MEEHAN, STATED IN PARAGRAPHS 76 UNTIL 92 OF CONSENT AND INSTRUCT TO PLACE CHEMISTRY HARMFUL SUBSTANCE IN THE FOOD OF THE PLAINTIFF, CONSTITUTED THE UNNECESSARY AND WANTON INFLICTION OF PAIN, IN VIOLATION OF THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

F. THE ACTIONS OF THE DEFENDANTS" ROBERT SCHEEPSMA," TERRY MARTFELT," PAUL STEINHILPER," TIMOTHY BURNS," MAURIZIO PERFETTI," GREG CHORNEY," AND WILLIAM STOWELL, "STATED IN PARAGRAPHS 76 UNTIL 92 OF PLACE CHEMISTRY HARMFUL SUBSTANCE IN THE FOOD OF THE PLAINTIFF, CONSTITUTED THE UNNECESSARY AND WANTON INFLICTION OF PAIN, IN VIOLATION OF THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

G. THE FAILURE OF THE DEFENDANTS" FLOYD FULLER," JENNIFER BRINK, AND" KATHERINE NORDGREN, STATED IN PARAGRAPHS 36 UNTIL 150 TO WRITE FALSE SICK CALL REQUESTS ON THE AMBULATORY MEDICAL RECORD OF THE PLAINTIFF, AND PRESCRIBE WRONG MEDICATION TO THE PLAINTIFF, WHICH THEY ARE NOT SUPPOSED TO PRESCRIBE, AND FAIL TO

WRITE the TRUE SICK CALL REQUEST OF the PLAINTIFF ON his MEDICAL RECORD, CONSTITUTED DELIBERATE INDIFFERENCE to the PLAINTIFF SERIOUS MEDICAL NEEDS, AND MEDICAL MALPRACTICE, IN VIOLATION OF the EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION. AND IN VIOLATION OF THE HEALTH SERVICES POLICY MANUAL ITEMS# 1.48, 4.3, AND 4.6.

H. the ACTIONS OF the DEFENDANT "FLOYD FULLER," STATED IN PARAGRAPHS 124 UNTIL 140 IN USING EXCESSIVE USE OF FORCE AGAINST the PLAINTIFF, WHO DID ASSAULT to the PLAINTIFF WITHOUT PROVOCATION WERE DONE MALICIOUSLY WITH RETALIATION, WHICH CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF the EIGHTH AMENDMENT to the UNITED STATES CONSTITUTION.

PRAYER FOR RELIEF

WHEREFORE, the PLAINTIFF RESPECTFULLY REQUEST AND PRAYS to this COURT FOR JUDGMENT FOR DAMAGES IN FAVOR OF the PLAINTIFF TO GRANT COMPENSATION FOR DAMAGES AGAINST the DEFENDANTS IN the AMOUNT AS FOLLOWS:

A. $25,000 AGAINST the DEFENDANT LESTER WRIGHT, FOR the PHYSICAL GRIEVOUS BODILY DAMAGE AND IMPAIRMEN DONE TO the HEALTH OF the PLAINTIFF, RESULTING OF his FAILURE TO ORDER PROVIDE MEDICAL TREATMENT to the PLAINTIFF FOR his HIV-STATUS DISEASE.

B. $100,000 AGAINST the DEFENDANT HEMAN FOWLER, FOR the PHYSICAL GRIEVOUS BODILY DAMAGES AND IMPAIRMENT DONE TO HEALTH OF the PLAINTIFF RESULTING OF his

FAILURE to PROVIDE MEDICAL TREATMENT to the PLAINTIFF FOR his HIV STATUS dISEASE, ANd his MEDICAL NUTRI-TIOUS ENSURE.

C. $ 40,000 AGAINST the dEFENdANT HEMAN FOWLER, FOR the PHYSICAL GRIEVOUS bodily DAMAGES AND IMPAIRMENT done to the health OF the PLAINTIFF RESULTING OF his FAILURE to PROVIDE MEdICAL TREATMENT to the PLAINTIFF FOR MICROORGANISMS ANd PATHOGENS, ANd X-RAY ANd MEDICAL CARE FOR the dAMAGES ANd PAIN CAUSEd by the ASSAULT ON the PLAINTIFF, ANd by the MEd-ICAL MALPRACTICE COMMITTEd AGAINST the PLAINTIFF ANd his MEdICAL RECORd IN Which did FAIL to WRITE the TRUE SICK CALL REQUEST OF the PLAINTIFF ON his MEdICAL RECORd.

D. $ 200,000 AGAINST the dEFENdANT MARIJON hoPKINS, FOR the PhYSICAL GRIE-VOUS bodily DAMAGES ANd IMPAIRMENT done to the health OF the PLAINTIFF RESU-LTING OF his FAILURE to PROVIdE MEdICAL TREATMENT to the PLAINTIFF FOR his HIV-STATUS dISEASE, ANd his MEdICAL NUTRITI-OUS ENSURE, ANd FOR MICROORGANISMS ANd PATHOGENS, ANd AS WELL by FAIL to PROVIdE X-RAY ANd MEdICAL CARE FOR the DAMAGES ANd PAIN CAUSEd by the ASSAULT ON the PLAIN-TIFF, ANd by FAIL to PROVIdE ACCESS to A SPECIALIST, ANd his MEdICAL RECORd.

E. $ 175,000 JOINTLY ANd SEVERALLY AGAINST the dEFENdANTS "STEPHEN WENdERLICh" ERNEST J. SHINE," JACK SMITh," JEFFREY GRAY, ANd" JAMES MEEhAN," FOR the PhY-SICAL GRIEVOUS bodily DAMAGES ANd IMP-AIRMENT done to the health OF the PLAINTIF RESULTING OF their MALICIOUS ANd RETAL-IATORY ACTIONS FOR PLACE CHEMISTRY

HARMFUL SUBSTANCE IN THE FOOD OF THE PLAINTIFF.

F. $ 175, 000 JOINTLY AND SEVERALLY AGAINST THE DEFENDANTS" ROBERT SCHEEPSMA TERRY MARGEIT," PAUL STEINHILPER," TIMOTHY BURNS," MAURIZIO PERFETTI," GREG CHORNEY AND" WILLIAM STOWELL, FOR THE PHYSICAL GRIEVOUS BODILY DAMAGES AND IMPAIRMENT AND PAIN CAUSED AND DONE TO THE HEALTH OF THE PLAINTIFF, RESULTING OF THEIR MALICIOUS AND RETALIATORY ACTIONS FOR PLACE CHEMISTRY HARMFUL SUBSTANCE IN THE FOOD OF THE PLAINTIFF.

G. $ 75, 000 JOINTLY AND SEVERALLY AGAINST THE DEFENDANTS" FLOYD FULLER," JENNIFER BRINK, AND" KATHERINE NORGREN FOR THE PHYSICAL GRIEVOUS BODILY DAMAGES AND IMPAIRMENT AND PAIN CAUSED AND DONE TO THE HEALTH OF THE PLAINTIFF, RESULTING OF THEIR MALICIOUS AND RETALIATORY FAILURE AND NEGLIGENCE TO MAKE THEIR OBLIGATORY TASKS OF NURSING ASSESSMENT OF PATIENT SICK CALL REQUESTS ON HIS MEDICAL RECORD AND THEIR FAILURE TO MAKE REFERRAL TO DOCTOR CALL OUT FOR THE PLAINTIFF BEING PROVIDED WITH HIS HIV-MEDICATIONS AND ENSURE FOR HIS HIV-STATUS DISEASE, AND BEING PROVIDED WITH MEDICAL CARE FOR MICROORGANISMS AND PATHOGENS, AND BY THEIR MALICIOUS ACTIONS AND NEGLIGENCE BY WRITE FALSE SICK CALL REQUEST ON THE AMBULATORY MEDICAL RECORD OF THE PLAINTIFF, AND PRESCRIBE WRONG MEDICATION TO THE PLAINTIFF, WHICH THEY ARE NOT SUPPOSED TO PRESCRIBE, AND BY FAIL TO WRITE FILL OUT THE TRUE SICK CALL REQUEST OF THE PLAINTIFF ON HIS MEDICAL RECORD.

H. $25,000 AGAINST the DEFENDANT" FLOYd FULLER, FOR the PHYSICAL DAMAGES SUSTAINED AS A RESULT OF the MALICIOUS SADISTIC AND RETALIATORY ASSAULT ON the PLAINTIFF, Which did CAUSEd GRIEVOUS PHYSICAL HARM IMPAIRMENT AND PAIN to the PLAINTIFF.

i. GRANT such AND other RELIEF AS it MAY APPEAR that the PLAINTIFF IS ENTITLEd

J. the PLAINTIFF dEMANDEd A JURY TRIAL.

the PLAINTIFF dECLARE UNdER PENALTY OF PERJURY that the FOREGOING IS TRUE AND CORRECT.

SIGNEd: Raymond Gonzalez
DATE: AUGUST 25, 2005. PLAINTIFF PRO SE.

ELMIRA CORRECTIONAL FACILITY
P. O. BOX 500
ELMIRA, NEW YORK 14902-0500.

SEPTEMBER 1, 2004.

FROM: RAYMOND GONZALEZ. 99·A·1878
ELMIRA CORRECTIONAL FACILITY.

HOUSING: LOC: 1-11 CELL SHU.

TO: DR. HEMAN FOWLER.

EXHIBIT (A)

SUBJECT: REQUEST OF MY PRIOR HIV MEDICATIONS.

PLEASE BE ADVISED THAT I AM WRITING YOU THIS LETTER TO REQUEST YOU THE PRESCRIPTION OF MY PRIOR HIV-MEDICATIONS.

AS YOU KNOW, I WAS TRANSFERRED TO THIS PRISON ON AUGUST 11, 2004, AND AFTER REPEATED SICK CALL REQUEST, ON AUGUST 25, 2004 YOU DID PRESCRIBE ME AN DIFFERENT HIV-MEDICATIONS AMONG WHICH THERE IS A MEDICATION WHICH DO CAUSED ME AWFUL ADVERSE SIDE EFFECTS WHICH IS "COMBIVIR".

THEREFORE, I WOULD GREATLY APPRECIAT IF YOU DO PRESCRIBE ME MY PRIOR HIV-MEDICATIONS WHICH DO BEEN WRITTEN IN MY MEDICAL RECORD, WHICH ARE "VIRACEPT NELFINAVIR 250 MG, AND "EPIVIR 150 MG."

CC: R.G./FILE.

REQUESTED BY,
R. Gonzalez

SEPTEMBER 14, 2004.

FROM: RAYMOND GONZALEZ, 99·A·1878.
ELMIRA CORRECTIONAL FACILITY.

CELL: LOC: 1-11 CELL SHU.

TO: DR. HEMAN FOWLER:

SUBJECT: REQUEST OF MY PRIOR HIV-MEDICATION.

PLEASE BE ADVISED THAT ON 8/25/04 YOU DID PRESCRIBE ME ERRONEOUS MEDICATIONS FOR MY SUPPOSED HIV-STATUS WHICH I DID NOT TAKE BEFORE.

EXHIBIT (B)

THE MEDICATIONS WHICH I DID TAKE PREVIOUSLY FOR MY HIV-STATUS ARE VIRACEPT NELFINAVIR 250 MG LIGHT BLUE COLOR, AND EPIVIR 150 MG.
HOWEVER, YOU DID PRESCRIBE ME COMBIVIR AND, VIRACEPT NELFINAVIR 625 MG.

THEREFORE, I REQUEST YOU PRESCRIBE ME MY PRIOR MEDICATIONS VIRACEPT NELFINAVIR 250 MG, LIGHT BLUE COLOR AND, EPIVIR 150 MG.

CC: FILE. DATE: 9-14-04.

SUBMITTED BY,
R. Gonzalez.

NOVEMBER 4, 2004.

FROM: RAYMOND GONZALEZ. 99-A-1878.
ELMIRA CORRECTIONAL FACILITY.

HOUSING: LOC: 1-11-CELL SHU

TO: HEMAN FOWLER, NURSE PRACTITIONER.

SUBJECT: REQUEST OF MY MEDICATIONS FOR MY AIDS-STATUS.

PLEASE BE ADVISED THAT I AM WRITING YOU TO REQUEST THE PRESCRIPTION OF MY MEDICATIONS FOR MY AIDS-STATUS.

MOREOVER, PLEASE BE ADVISED THAT THE REGULATORY SCHEDULE FOR BLOOD LABORATORY TEST IS EVERY THREE MONTHS.

THANK YOU FOR YOUR ATTENTION IN THIS MATTER.

EXHIBIT (C)

DATE: 11-4-04.

SUBMITTED BY,
R. Gonzalez.

CC: FILE.

NOVEMBER 25, 2004.

FROM: RAYMOND GONZALEZ 97 A 1878.
ELMIRA CORRECTIONAL FACILITY.

housING: LOC: I-11-CELL SHU.

Exhibit (d)

NAM

to: MARY J. HOPKINS, FACILITY HEALTH SERVICES DIRECTOR.

SUBJEC: REQUEST OF ACCESS TO A SPECIALIST, AND REQUEST OF MY MEDICATIONS FOR MY AIDS-STATUS TREATMENT.

I AM WRITING YOU THIS LETTER TO REQUEST YOU ACCESS TO A SPECIALIST WHO CAN MANAGE THE TREATMENT FOR MY AIDS-STATUS ADEQUATELY, TO WHO I TO BE ENTITLED.

ALSO I AM WRITING YOU THIS LETTER TO REQUEST YOU MY MEDICATIONS FOR MY AIDS-STATUS TREATMENT, WHICH ARE DENIED BY THE NURSE PRACTITIONER" HEMAN FOWLER.

SINCE SEPTEMBER 3, 2004 I AM REQUESTING TO THE NP." H. FOWLER MY MEDICATIONS FOR MY AIDS-STATUS TREATMENT THROUGH SICK CALL PROCEDURE LETTER AND GRIEVANCE COMPLAINT. HOWEVER, THE NP." H. FOWLER MADE DENIED THE PRESCRIPTION OF MY MEDICATIONS.

THE PERFORMANCE OF THE NP." H. FOWLER, IS DEFICIENT FOR MANAGE THE TREATMENT FOR MY AIDS-STATUS.

THE NP." H. FOWLER, MADE DISREGARD THAT THE REGULATORY SCHEDULE TIME FRAME FOR LABORATORY BLOOD TEST IS EVERY THREE MONTHS. THEREFORE, I REQUEST YOU ACCESS TO A SPECIALIST AND THE PRESCRIPTION OF MY MEDICATIONS.

CC: FIE.

SUBMITTED BY
R. GONZALEZ.

ELMIRA CORRECTIONAL AND RECEPTION CENTER

HEALTH SERVICES

MEMORANDUM

TO: GONZALEZ, R. 99A1878 SHU-11

FROM: M. Hopkins, NA

RE: Your Note Dated 11/25/04

DATE: December 2, 2004

You will be scheduled to discuss your concerns with Heman Fowler, Nurse Practitioner, in the near future.

Exhibit (E)

DIN:__

Marija Hopkins

M. Hopkins, NA

MH/sdh
Cc: file

DECEMBER 12, 2004.

FROM: RAYMONd GONZALEZ 99-A-1878.
ELMIRA CORRECTIONAL FACILITY
P. O. BOX 500
ELMIRA, NEW YORK 14902-05000

to: thE LEGAL Aid SOCIETY
PRISONER'S RIGhtS PROJECT
90 ChURCh STREET
NEW YORK, N.Y. 10007.

DEAR SIR:

NAN Exhibit (F) DIN:

I AM WRITINZ YOU this LETTER to REQUEST YOUR HELP DUE to thAT CURRENTLY I AM VICTIM OF DENIAL OF MY MEdICATIONS FOR MY AIDS-STATUS TREAMENT, ANd OF ACCESS to SPECIALISTS.

FROM SEPTEMBER 3, 2004 I AM REQUESTINZ MY MEdICATIONS FOR MY AIDS-STATUS TREATMENT THROUGTH SICK CALL PROCEdURE ANd LETTER Which IS DENIEd by the FACILITY hEALth SERVICE DIRECTOR" MARY J. HOPKINS ANd by thE NURSE PRACTITIONER" HEMAN FWLER.

ON NOVEMBER 4, 2004 I did WRITE A LETTER to the NP." HEMAN FOWLER, IN Which I did REQUEST to hE MY MEdICATIONS SO FAR without RESULT. MOREOVER, ON NOVEMBER 25, 2004 I did WRITE A LETTER to thE FACILITY "hEALth SERVICES DIRECTOR" MARY J. HOPKINS, IN Which I did REQUEST to hER MY MEdICATIONS FOR MY AIDS-STATUS TREATMENT ANd ACCESS to A SPECIALIST, SO FAR without RESULT, ENCLOSEd PLEASE FINd AN COPIES OF SAId ABOVE LETTER AS Exhibits (A) (B).
thEREFORE, bASEd IN this DENIAL to SERIOUS MEdICAL TREATMENT, ANd DENIAL OF ACCESS to SPECIALIST I RESPECTFULLY REQUEST YOUR hELP IN this DENIAL.

SINCERELY,
R. Gonzalez.

CC: FILE.

Form 3105 (Rev 7/97)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

AMBULATORY HEALTH RECORD

Inmate #	Name	Facility Name	Date of Birth
99A1878	[illegible] R	ECF-11	12-22-54

Subjective S-C.

Objective States "has any [illegible] my cell A__-____!"

Assessment

Plan F/u [illegible]

Problem #

Inmate Last Name ______

DIN ______ Location SHU-11

Date 12/13/04 Time 0710

Meds Ordered: Code No. ______

Signature/Provider # [signature] Nurse Transcribing Order/Prov. # 262 Date/Time 12-13-04

Subjective S-C-

Objective Pleasant today. requests [illegible]/Alarm. #4 plt's ca [illegible]

Assessment - must limit due to abuse

Plan F/u PRN -

Problem #

Inmate Last Name ______

DIN ______ Location SHU-11

Date 12/14/04 Time 0700

Meds Ordered: Code No. ______

Signature/Provider # [signature] Nurse Transcrib[ing]

EXhibit(A)

Subjective HIV Eval. Reviewed and discussed labs & Re-start meds

Objective Wt 128 Discussed at length, different Tx. options, risks and adverse effects of meds. States he will only

Assessment Take Viracept and Epivir. States he needs

Plan Three meds (HAART) - He Also demands Ensure. Wt 126 (12/23/03) today 128. I stated he needs meds, not Ensure and if he cooperates, compliant and not rude to RN staff, we would look at Ensure @ next set of labs. Become angry, behavior threaten - sick call terminated

Inmate Last Name ______

DIN ______ Location ______

Date 12/15/04 Time ______

Meds Ordered: Code No.

Start Combivir + [illegible] Nelfinavir 625 [illegible] Labs → 1/27/04

SignatureProvider # H Fowler Nurse Transcribing Order/Prov. # [illegible] 241 Date/Time 12, 5 [illegible]

For TB Codes, see 12/12/91 email addendum	098- Gonorrhea	296- Affective Disorder	493- Asthma
052- Chickenpox	200- Solid Malignant Neoplasm	316- Other Serious Mental Disorder	519- Chronic Respiratory System
055- Measles	201- Liquid Malignant Neoplasm	345- Epilepsy	579- Chronic Digestive System D
0700 Hepatitis A	250- Endocrine Metabolic Disorder, including Diabetes	355- Nervous System and Sense Organ Disorder	598- Chronic Urinary System Dis
070- Hepatitis B	279- HIV Negative lab test	369- Blindness	739- Significant Musculoskeletal
0701 Hepatitis C	2790 HIV Asymptomatic	387- Deafness	959- Major Physical Disability
071- Immune Status to Hepatitis B	2791 HIV Asymptomatic on Treatment	401- Hypertension	V220 Pregnancy
072- Mumps	2792 HIV Symptomatic	429- Heart Disease	
090- Syphilis	295- Schizophrenia		

DECEMBER 20, 2004.

FROM: RAYMOND GONZALEZ 99.A.1878.
ELMIRA CORRECTIONAL FACILITY.

housing: LOC: 1-11-CELL SH[illegible]

TO: MARY HOPKINS, FACILITY HEALTH SERVICES DIRECTOR.

Exhibit (H)

SUBJECT: REQUEST OF ACCESS TO A SPECIALIST. AND REQUEST OF ENSURE.

AS YOU KNOW, ON NOVEMBER 25, 2004, I did REQUEST YOU ACCESS TO A SPECIALIST WHO CAN MANAGE ADEQUATELY THE MEDICAL TREATMENT FOR MY AIDS-STATUS.

AS YOU KNOW, THE NURSE PRACTITIONER "HEMAN FOWLER, did DENIED MY MEDICATIONS FOR MY AIDS-STATUS TREATMENT DURING THREE MONTHS, WHICH AS YOU KNOW CONSTITUTED A CONSTITUTIONAL VIOLATION BY WHICH I WILL ENFORCE MY RIGHTS.

AS YOU KNOW, THE NUTRITIONAL SUPPLEMENT ENSURE FORM PART OF MY MEDICAL TREATMENT FOR MY AIDS-STATUS, NEVERTHELESS, THE N.P. H. FOWLER, do DENIED TO PRESCRIBE ME MY NUTRITIONAL SUPPLEMENT ENSURE, IN SPITE OF THA[t] THE NP." H. FOWLER, KNOW THAT I ALREADY LOS[t] ABOUT FIFTY POUND.

ON DECEMBER 15, 2004 WHEN I WAS CALLED TO A SICK CALL INTERVIEW WITH THE NP." FOWLER WHO did PRESCRIBE THERE MY MEDICATIONS FOR MY AIDS-STATUS TREATMENT, but did REFUSED TO PRESCRIBE ME MY ENSURE TO WHIC[h] I TO BE ENTITLED, WHO ALSO did TOLD ME THAT WITHI[n] SIX WEEKS WILL CALL ME FOR blood DRAW WHICH TH[at] IS UNACCEPTABLE DUE TO THAT PRETEND BE VAMPIRE THEREFORE, BASED ON SAID ABOVE FACTORS I WILL AWAIT FOR MY REQUEST.

R. Gonzalez.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Grievance No. EL27-296-04		Date Filed 10/12/04
	Facility **Elmira Correctional Facility**		Policy Designation I
	Title of Grievance Receive prior HIV Rx		Class Code 22
	Superintendent's Signature [signature]		Date 10/29/04
Grievant GONZALEZ, R.	DIN 99-A-1878		Housing Unit SHU-1-11

Grievant is requesting that he receive the same medication that the received in the past.

He has been informed by Health Services staff that the form of his medication has been changed by the manufacturer, but he is still getting the same medicine as before.

His action requested is unable to be accommodated and is therefore denied.

RECEIVED
OCT 29 2004
INMATE GRIEVANCE PROGRAM OFFICE

NAME

EXhibit (i)

DIN:

ENCE PROGRA

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. the GRIEVANT ARE APPEALING this dECISION to thE C.O.R.C. BECAUSE, this IS NOT TRUE, NOT ANY MEMBER FROM the MEdICAL STAFF did NOT INFORM to the GRIEVANT that the FORM OF his MEdICATION WAS ChANG

Raymond Gonzalez — Grievant's Signature

11-3-04 — Date

Grievance Clerk's Signature

Date

FORM 2133 (Rev. 2/89)

CONTINUE IN thE NEXT PAGE ⟶

SICK CALL REQUEST SLIP
ELMIRA CORR. FAC.

R. GONZALEZ # 99-A-1878

housING: LOC: 7-41-CELL SHU. date: 3-13-05.

I HAVE MICROORGANISMS AND PATHOGENS
Which I HAVE AND FEEL INTO MY STOMACH
AND SYSTEM.
ALSO I NEED ASPIRIN, SINUS DECONGESTANT,
ALAMAG PLUS, & VASELINE.

CC: FILE.

EXHIBIT (L)

SICK CALL REQUEST SLIP
ELMIRA CORR. FAC.

R. GONZALEZ #99-A-1878.

housing: LOC: 7-42-CELL SHU. date: 3-17-05

I HAVE daily INCESSANT BURN PAIN IN MY Stomach.
ALSO I have MICROORGANISMS And Pathogen which I FEEL INTO MY Stomach,
I Need to SEE the doctor.

CC: FILE

NAME: Exhibit (M)

DIN:

NEW YORK STATE
DEPARTMENT OF CORRECTIONAL SERVICES
DIVISION OF HEALTH SERVICES

SECTION Personnel Services
SUBJECT Facility Health Services Director

HEALTH SERVICES POLICY MANUAL

ITEM # 6.1

Page 1 of 2 DATE 7/17/91

Rescinds: PPGM #24, dated 8/1/74

APPROVED BY:

E.C.F. Law Library
Privileged Legal Materials

The Facility Health Services Director (FHSD), is the medical authority at the Correctional Facility functioning as the supervisor to all health unit staff and is responsible for all aspects of inmate health care services including ambulatory care, infirmary and pharmacy services as well as clinics and referrals. In the absence of an appointed Facility Health Services Director, the Superintendent may appoint a physician, the Nurse Administrator, or an RN II (in camps).

The Facility Health Services Director reports to the Superintendent or Senior Executive delegate at the Correctional Facility. The FHSD is present on-site to meet responsibilities consistent with the IPP Agreement, and is available at other times as necessary to ensure the effective operation of the unit.

The Facility Health Services Director ensures high quality inmate health care by developing, implementing, maintaining and directing health care programs in conjunction with the policies and standards set forth by the Deputy Commissioner/Chief Medical Officer for the New York State Department of Correctional Services (NYS DOCS) Health Services Division.

E.C.F. Law Library
Privileged Legal Materials

At each Correctional Facility the Facility Health Services Director maintains a standard operating procedure manual to reflect NYS DOCS policies, ensuring that the manual is maintained, updated and readily available to health care staff.

The Facility Health Services Director roles include- maintaining professional relationships within the facility and outside community. At the facility level this task involves establishing effective communication between the Facility Health Unit and ancillary areas throughout the facility. This communication is maintained through the FHSD attendance at regularly scheduled Executive Team meetings. When concerns cannot be addressed at this level the Assistant Commissioner for Clinical Affairs is the arbitor.

NA

Exhibit (S)

E.C.F. Law Library
Privileged Legal Mater

Title: Facility Health Services Director	Item No. 6.1	Date 7/17/91	Page No. 2 of 2

E.C.F. Law Library
Privileged Legal Materials

Outside the facility the Facility Health Services Director communicates with consultants treating their inmate population. The Facility Health Services Director also networks with other professional colleagues to encourage possible assistance from these providers. He reviews outside consultations to ensure adequate service is provided according to patient needs vs. patient requests.

The Facility Health Services Director is the supervisor to the entire health unit staff including the Nurse Administrator, Pharmacist and Dental Director. The Facility Health Services Director directs staff in complying with established policy and encourages staff growth through the promotion of inservice education.

Privileged Legal Materials

In the Facility Health Services Director role as the health unit manager, he/she is involved in all aspects of operations. The Facility Health Services Director is involved with budget, clinic operations, mortality and morbidity review and emphasizes facility compliance to the Quality Management Program. He/she also arranges on-call physician coverage for the facility, establishes and reviews emergency health care plans and makes certain the physical environment of the health unit is both clean and safe.

E.C.F. Law Library
Privileged Legal Materials

The Facility Health Services Director is required to maintain current licensure and registration within his/her respective discipline. He/she is encouraged to seek and participate in their professional societies and organizations and upgrade their interests and skills to ensure high quality care to our inmates.

The Statewide Directors of Nursing, Dentistry and Pharmacy work collaboratively with the Facility Health Staff. The Facility Nurse Administrator, Pharmacist and Dental Directors are directly accountable to their Statewide Director for quality and professional performance. The Facility Health Services Director is accountable for administrative and personnel issues, including the performance appraisal of the facilities Nurse Administrator, Pharmacist and Dental Director.

E.C.F. Law Library
Privileged Legal Materials

by the MANUFACTURER OF the MEDICATION.
MOREOVER, NOR NEITHER this IS NOT TRUE
to wit, the MANUFACTURER did NOT CHANGE the FORM OF the MEDICATION, the GRIEVANT do have had the PRIOR And RECENT PAGES OF DIRECTION And DESCRIPTION FOR PATIENTS INFORMATION About the MEDICATIONS "VIRACEPT (NELFINAVIR MESYLATE) OF TABLE And ORAL POWDER, Which ARE FABRICATED by "AGOURON PHARMACEUTICALS, INC. A PFIZER COMPANY.

IN Which SAID PAGES OF DIRECTION AND DESCRIPTION FOR PATIENTS INFORMATION do NOT CONTAIN NOT ANY INFORMATION About CHANGES OF FORM OF the MEDICATION by the MANUFACTURER.

SAID "AGOURON PHARMACEUTICALS, INC. COMPANY do FABRICATE the MEDICATION "VIRACEPT NELFINAVIR MESYLATE, FOR PATIENTS With the DISEASE AIDS And H.I.V-POSITIVE IN TABLET OF 250 MG 625 MG, And FOR PEDIATRIC PATIENTS OF (2-13 YEARS); With dose 20-30 MG/KG.

the NURSE PRACTITIONER "HEMAN FOWLER, did PRESCRIBE the SAME MARK OF MEDICINE" VIRACEPT NELFINAVIR TWO TABLET OF 625 MG TWICE DAILY, but, Which IS MORE STRONG OF 625 MG DUE TO, that the GRIEVANT NO LONGER H.I.V-POSITIVE, but that the GRIEVANT IS BEARER OF the DISEASE AIDS, Such AS DEMONSTRATE the RECENT LABORATORY blood TEST OF the GRIEVANT.

by which ON AUGUST 25, 2004 the P.A. "H. FOWLER, did INFORM to the GRIEVANT that the blood TEST RESULTS OF the GRIEVANT REVEAL AN INCREASE IN the VIRAL INFECTION LOAD OF THE blood OF the GRIEVANT, REASON by Which the P.A. "H. FOWLER, did PRESCRIBE the MEDICINE MORE STRONG. • NEVERTHELESS, the GRIEVANT APPEAL to the CORC. • SUBMITTED BY,
CC: FILE. DATE: 11-3-04. R. Gonzalez.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Grievance No. EL-27-789-04	Date Filed 01/04/05
	Facility Elmira	Policy Designation I
	Title of Grievance Medication	Class Code 22
	Superintendent's Signature Calvin E. West	Date 1-20-05
Grievant GONZALEZ, R.	DIN 99-A-1878	Housing Unit SHU-11

Grievant claims that he is not receiving proper medical care from Nurse Practitioner Mr. F... According to the investigation, Mr. F... reports that Inmate Gonzalez is extremely uncooperative and is refusing medication and blood work.

It would appear that if the grievant would be more cooperative, his health care would be better served.

His request for a different clinician is denied.

EXhibit (J)

JAN 20 2005
INMATE GRIEVANCE PROGRAM OFFICE

APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. the GRIEVANT ARE APPEALING this decision to the C.O.R.C. becase, the reports and statements from the NP, "HEMAN FOWLER, ARE FULLY FALSE AND LIE, the GRIEVANT do have be requesting

Raymond Gonzalez — Grievant's Signature

JANUARY 23, 2005 — Date

__________ Grievance Clerk's Signature

__________ Date

CONTINUE IN THE NEXT PAGE →

2

his MEdICATIONS SINCE SEPTEMBER 15, 2004 dATE Which the NP. "FOWLER, did discontinued MY MEdICATIONS due to that I did REQUEST MY PRIOR MEdICATIONS.

therefore the GRIEVANT did NOT NEVER EVER REFUSE to TAKE his MEdICATIONS FOR his AIDS-STATUS TREATMENT.

REGARDING the other FALSE STATEMENT FROM NP. FOWLER, that the GRIEVANT REFUSE to blood WORK this IS FULLY LIE

because, the REGULATORY SCHEDULE TIME FRAME FOR blood DRAW LABORATORY TEST IS EVERY THREE MONTHS, however, the NP. HEMAN FOWLER, PRETEND obtain blood DRAW FOR LABORATORY TEST OF THE EACH SIX WEEKS, WHICH THIS IS UNACC-EPTABLE FROM the GRIEVANT.

the GRIEVANT WILL NOT ACCEPT MISUSE with his blood NEITHER With his PERSON ON 1/5/05, the NP. FOWLER, did PROPOSE to the GRIEVANT PRESCRIBE his MEdICATIONS IN EXCHANGE FOR blood DRAW EVERY SIX WEEKS, by which the GRIEVANT did SCOLD to the NP. FOWLER, ENCLOSED FINd THREE LETTER dATEd 11/4/04, 12/27/04, And 1/9/05 AS EXhibits. • WhEREby GRIEVANT APPEAL to C.O.R.C. • submitted by, R. Gonzalez.

dATE: 1-23-05.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES	Grievance No. EL-28-062-05	Date Filed 03/04/05
	Facility ELMIRA	Policy Designation I
INMATE GRIEVANCE PROGRAM	Title of Grievance Staff Tampering With Meals	Class Code 49
SUPERINTENDENT	Superintendent's Signature Calvin E. West	Date 3/24/05
Grievant GONZALEZ, R.	DIN 99-A-1878	Housing Unit SHU 42

The grievant, Raymond Gonzalez, 99-A-1878, SH-01-42, alleges C.O.'s Sch..., Per..., Bur..., Cho..., W. Sto..., Mar..., Ste..., with the consent and instruction from Captain W..., Sergeant, Sti..., Sergeant Smi..., and Sergeant Mee..., are placing "chemistry mortal substance" in his food, in order to kill him.

This grievance as investigated by DSS Hen..., who has gone on record to state that all named staff deny the allegations of the grievant. DSS Hen... further states that this matter has previously been investigated and found to be without merit.

There is no evidence to support the allegations; accordingly, the grievance is denied.

INMATE E ... E CORRESPO

Exhibit (K)

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APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. the GRIEVANT ARE APPEALING this decision to the C.O.R.C. because, said investigator DSS HEN... did NOT INCLUDE to the GRIEVANT IN SAId INVESTIGATION Who the GRIEVANT do HAVE had ACCURATE RELEVANT EVIdENCE IN this ACti.

Raymond Gonzalez, MARCH 30, 2005.

Grievant's Signature — Date

Grievance Clerk's Signature — Date

FORM 2133 (Rev. 2/89)

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES	Grievance No. EL-28-428-05	Date Filed 4/27/05
	Facility ELMIRA	Policy Designation I
INMATE GRIEVANCE PROGRAM	Title of Grievance Wrong Medication	Class Code 22
SUPERINTENDENT	Superintendent's Signature Calvin E. West	Date 6/28/05
Grievant GONZALEZ, R.	DIN 99-A-1878	Housing Unit SHU 42

You complaint is of medical malpractice.

Supporting documentation shows you complained of stomach pain and received Zantax.

In addition, this documentation is reflective of the health care encounter. You have not provided examples of medical malpractice, and I shall consider this matter closed.

EXhibit (N)

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APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. the GRIEVANT ARE APPEALING this decision to the C.O.R.C. because. the GRIEVANT WAS AND IS VICTIM OF MALICIOUS MEDICAL MALPRACTICE by the DR. HEMAN FOWLER, the NURSES F. FULLER, " J. BRINK, AND " K. NORGR

Raymond Gonzalez — Grievant's Signature

JUNE 29, 2005. — Date

Grievance Clerk's Signature

Date

FORM 2133 (Rev. 2/89)

CONTINUE IN the NEXT PAGE →

IN Which the NURSES" FLOYd FULLER, And" JENNIFER BRINK, did PRESCRibE And PROVidE to the GRIEVANT the MEdicATION" ZANTAC, 150 MG. And" SIMEthICONE ChEWABLE 80 MG. AS MEdicATION FOR the MICROORGANISMS, PAthOGENS, And And BURN Stomach PAIN OF Which the GRIEVANT did COMPLAIN.

FURthER, IN Addition, the GRIEVANT did stated IN his WRITTEN SICK CALL REQUEST that the GRIEVANT HAVE MICROORGANISMS, PAthOGENS Chest, bACK, And Stomach BURN PAIN DUE to the ChEMISTRY hARMFUL Substance which ARE PLACEd IN the Food of the GRIEVANT by the CORRECTION STAFF IN SPECIAL housing unit SHU.

NEVERthELESS, the DR. HEMAN FOWLER And the NURSES" FLOYd FULLER" JENNIFER BRINK, And" KAThERINE NORGREN did WRITE Other type of MEdicAL PROBLEM ON the MEdicAL RECORd of the GRIEVANT, Which this CONSTITUTE AN double MEdicAL MALPRACTICE towARds the GRIEVANT And his MEdicAL RECORd.

the MEdicATION" ZANTAC" IS NOT the APPROPRIATE MEdicATION FOR TREAT the MEdical PRObLEM OF MICROORGANISMS, PAthOGENS, Chest, bACK, And Stomach BURN PAIN Which the GRIEVANT did And do COMPLAIN

THEREFORE the GRIEVANT APPEAL to C.O.R.C.

dATE: 6-29-05.

SUBMITTEd by,
R. Gonzalez

CC: FILE.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES	Grievance No. EL-28-503-05	Date Filed 5/12/05
	Facility ELMIRA	Policy Designation I
	Title of Grievance Ensure/Medication	Class Code 22
INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Superintendent's Signature Calvin E. West	Date 6/7/05
Grievant GONZALEZ, R.	DIN 99-A-1878	Housing Unit SHU-16

Grievant alleges he is being refused medication.

Investigation reveals that grievant continues to demand treatment, but then refuses medication, behaves inappropriate to R.N. staff, and refuses to have blood drawn.

IGRC recommends the grievant needs to take responsibility and cooperate with the medical staff. It is also recommended that grievant be provided with his medical concerns.

I concur with the IGRC response.

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Exhibit (P)

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APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. THE GRIEVANT ARE APPEALING THIS DECISION TO THE C.O.R.C. BECAUSE, SAID ABOVE DECISION IN WHICH THE SUPT. CONCUR WITH THE RESPONSE OF THE IGRC, WHIC IS AN ABSURD AND DETERRENT LIE WITH WHICH TRY PROTE

Raymond Gonzalez — Grievant's Signature

JUNE 12, 2005. — Date

Grievance Clerk's Signature

Date

FORM 2133 (Rev. 2/89)

CONTINUE IN THE NEXT PAGE >

THE RETALIATORY DENIAL OF THE HIV-MEDICATIONS AND THE NUTRITIOUS MEDICAL ENSURE OF THE HIV-STATUS TREATMENT OF THE GRIEVANT.

THE DR." HEMAN FOWLER MAYBE THINK THAT HE CAN DECEIVE TO THE MAGISTRATE JUDGE IN THE CIVIL RIGHTS ACTION WHICH HE KNOW AND BE AWARE IS CLOSE TO COME, BY THE RETALIATORY DENIAL OF THE HIV-MEDICATIONS AND OTHER CONSTITUTIONAL VIOLATIONS WHICH DID AND MADE COMMITTED AGAINST THE GRIEVANT SERIOUS MEDICAL NEEDS.

ON MAY 27, 2005 THE GRIEVANT RECEIVED A WRITTEN I.G.R.C. RESPONSE WHICH STATE AMONG OTHER THINGS THAT, THE GRIEVANT DISPOSITION IS VERY NASTY TO THE NURSES STAFF AND THAT THE GRIEVANT REFUSES TO BLOOD DRAWN, AND THAT THE GRIEVANT SHALL DISCONTINUE BEING COMBATIVE WITH THE MEDICAL STAFF.

SAID ABOVE I.G.R.C. RESPONSE ACCORDING TO THE INVESTIGATION WITH THE MEDICAL STAFF WHICH RESULT BEING ABSURD, LIAR, AND UNACCEPTABLE, BECAUSE, WHICH IS DUE TO THAT THE GRIEVANT DO NOT TOLERATE AND THE GRIEVANT DO SUBMIT GRIEVANCES AGAINST MEMBERS OF THE MEDICAL STAFF WHO DO COMMIT RETALIATORY MALICIOUS MEDICAL MALPRACTICE, AND MALICIOUS DENIAL OF SICK CALL REQUEST AGAINST THE GRIEVANT

ON MAY 5, 2005 THE PHLEBOTOMIST" KEN, DID DRAW FOUR BLOOD SAMPLE WHICH THE GRIEVANT DID PROVIDE IN SPITE OF THE DENIAL OF HIS HIV-MEDICATIONS AND HIS NUTRITIOUS ENSURE. THE GRIEVANT NEVER DID REFUSE TO TAKE HIS MEDICATIONS AND NUTRITIOUS ENSURE. THEREFORE, THE GRIEVANT APPEAL TO C.O.R.C

CC: R.G. DATE: 6-12-05. SUBMITTED BY: R. Gonzalez.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES	Grievance No. EL27-148-04	Date Filed 9/9/04
	Facility **Elmira Correctional Facility**	Policy Designation I
	Title of Grievance Medical treatment supplement	Class Code 22
INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Superintendent's Signature Calvin E. West	Date 9-20-04

Grievant	DIN	Housing Unit
GONZALEZ, R.	99-A-1878	SHU-11

Grievant alleges neglect and discrimination by the physician assistant.

According to the investigation report submitted by Facility Nurse Practitioner F… grievant was evaluated and treated by him.

Nurse Practitioner F… has gone on record stating that grievant was nonadherent to his illness, refusing lab tests and medication before being transferred to this facility. The nurse practitioner discussed with grievant about taking the supplement Ensure for his medical condition. Ensure is not part of the treatment for the grievant's medical condition, only a small part in a treatment plan. The most important factor is medication and taking his medication every day.

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INMATE GRIEVANCE PROGRAM OFFICE

EXhibit (O)

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APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. the GRIEVANT ARE APPEALING this decision to the C.O.R.C. because, the MOST IMPORTANT FACTOR IS PROVIDE to the GRIEVANT with A ADEQUATED MEDICAL TREATMENT that the GRIEVANT NEED FOR his AIDS-STATUS

Raymond Gonzalez. — Grievant's Signature

9-22-2004. — Date

Grievance Clerk's Signature

Date

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disEASE, ENSURE IS PART OF the MEDICAL TREATMENT FOR the GRIEVANT SUCH AS do INDICATE the MEDICAL RECORD OF the GRIEVANT.

MOREOVER, the NORMAL WEIGHT OF the GRIEVANT IS 170 POUNd, HOWEVER, CURRENTLY the WEIGHT OF the GRIEVANT IS 122 POUNd, Which INDICATE that the GRIEVANT LOSE ALREADY 48 POUNd.

IN Addition, the MEDICAL CONDITION OF the GRIEVANT IS SUBJECT to be TREATY by A SPECIALIST AND/OR by A LICENCED doctor With EXPERIENCE IN this MATTER IN this TYPE OF disEASE Who CAN OFFER A GOOD TREATMENT to the PATIENT,

therefore, the NURSE PRACTITIONER HEMAN FOWLER, Should NOT PROVIDE this TYPE OF MEDICAL TREATMENT, ENCLOSEd HEREWITH A COPY OF MY MEDICAL RECORD WHICH INdICATE to the GRIEVANT With 159 POUNd. therefore, the GRIEVANT APPEAL to the CORC.

CC: FILE. dATE: 9-22-04

SUBMITTED by,
R. Gonzalez.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES	Grievance No. EL-28-799-05	Date Filed 7/07/05
	Facility ELMIRA	Policy Designation I
INMATE GRIEVANCE PROGRAM	Title of Grievance Assaulted By Nurse	Class Code 49
SUPERINTENDENT	Superintendent's Signature	Date 8-4-05
Grievant GONZALEZ, R.	DIN 99-A-1878	Housing Unit SHU-16

Grievant claims that R.N. F. F... and N.P. H. F... used physical force against him.

R.N. F. F... and N.P. H. F... deny this assertion.

Interviews were conducted on 7/19/05 and 7/25/05 and written statements were solicited.

The outcome of the investigation was the conclusion that there is no evidence that the alleged behavior occurred.

Grievance is denied.

Exhibit (Q)

NA

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APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. THE GRIEVANT ARE APPEALING THIS DECISION TO THE C.O.R.C. BECAUSE, THERE ARE AS EVIDENCE A VIDEO TAPE WHICH DID RECORDING FILM THE ASSAULT COMMITTE BY THE NURSE "FLOYD FULLER, AGAINST THE GRIEVANT WHILE THE

Raymond Gonzalez
Grievant's Signature

AUGUST 7, 2005.
Date

Grievance Clerk's Signature

Date

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GRIEVANT WERE handcuffed behind back, ASSAULT COMMITTED AGAINST the GRIEVANT during A MEDICAL INTERVIEW With the DR. HEMAN FOWLER ON JUNE 22, 2005 IN the SERGEANT ROOM IN SPECIAL housing UNIT SHU. About 9:45 A.M.

IN Which the NURSE" FLOYd FULLER, did VIOLENT SEIZE, TAKE AWAY, AND DRAW to the GRIEVANT of the Chair ON Which WERE SIT. And did beat to the GRIEVANT ON the head NECK, Shoulder, And back AGAIN And AGAIN While the NURSE" FULLER ALSO did MAINT-AIN to the GRIEVANT SEIZEd by the throat VERY tight.

during the ASSAULT the SGT." JEFFREY GRAY, did INTERVENE And did TAKE AWAY to the GRIEVANT of the VIOLENT CLAW OF the NURSE" FLOYd FULLER, And did TAKE out OF the ROOM to the GRIEVANT.

the GRIEVANT therefore, APPEAL to the ~~to~~ CORC.

ENCLOSEd IS A COPY dated 7/4/05 IN Which the GRIEVANT did REQUEST the VidEO TAPE to the SUPERINTENdENT" CALVIN WEST.

submitted by,
R. Gonzalez

DATE: 8-7-05

CC: FILE.

STATE OF NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES	Grievance No. EL-28-864-05	Date Filed 7/15/05
	Facility ELMIRA	Policy Designation I
	Title of Grievance MEDICAL REQUEST	Class Code 22
INMATE GRIEVANCE PROGRAM SUPERINTENDENT	Superintendent's Signature acting [signature]	Date 8/15/05

Grievant GONZALEZ, R.	DIN 99-A-1878	Housing Unit SHU 16

Grievant alleges he is not receiving his medical care. Investigation reveals that the medical department has tried to provide care but grievant is uncooperative and non-adherent to treatment. He was seen by the Nurse Practitioner on 6/22/05, but medical care is available in the SHU every day.

Grievance is granted to that extent.

Exhibit (R)

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APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below and return this copy to your Inmate Grievance Clerk. You have four (4) working days from receipt of this notice to file your appeal. Please state why you are appealing this decision to C.O.R.C. THE GRIEVANT ARE APPEALING THIS DECISION TO THE C.O.R.C. BECAUSE, THE INVESTIGATION ON THIS GRIEVANCE DO NOT REVEALS THE TRUE ABOUT THE DENIAL OF MEDICAL TREATMENTS AGAINST THE GRIEVANT. ON JUNE 22, 200

Raymond Gonzalez.
Grievant's Signature

AUGUST 16, 2005.
Date

Grievance Clerk's Signature

Date

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the GRIEVANT WAS SEEN by the DR. And/OR NURSE PRACTITIONER" HEMAN FOWLER, IN Which the GRIEVANT WAS ASSAULTED by the NURSE" FLOYd FULLER.

MEdICAL CARE bE SUPPOSEd to bE AVAILAbLE IN SPECIAL hOUSING UNIT SHU, EVERY day, hOWEVER, MEdICAL CARE IS dENIEd to the GRIEVANT.

the GRIEVANT do REQUEST his H.I.V-MEdICATIONS And his NUTRITIOUS ENSURE, And OthER MEdICAL CARE through SICK CALL PROCEdURE EVERY dAY Which IS dENIEd to the GRIEVANT.

the GRIEVANT do hAVE HAd SEVERAL Month IN Which through LETTER do REQUEST to the FACILITY hEALth SERVICES dIRECTOR" MARIJON hOPKIN his HIV-MEdICATIONS, his NUTRITIOUS ENSURE, AS WELL AS OthER MEdICAL CARE, And ACCESS to A SPECIALIST, Which IS dENIEd by the F.H.S.D." MARIJON hOPKINS. to Which the GRIEVANT to bE ENTITLEd.

PURSUANT to hEALth SERVICES POLICY MANUAL ITEM # 1.12d "MEdICAL MANAGEMENT." Which STATE AMONG OthER thINGS thAT;

the FACILITY hEALth SERVICES DIRECTOR hAS PRIMARY RESPONSIbILITY FOR the CLINICAL RECOGNITION And TREATMENT OF KNOW SUSPECTEd CASES OF HIV/AIDS.

FURthER, ALSO PURSUANT to hEALth SERVICES POLICY MANUAL ITEM # 6.1 "FACILITY hEALth SERVICES DIRECTOR, IS the MEdICAL AUTHORITY AT the CORRECTIONAL FACILITY, FUNCTIONING AS the SUPERVISOR to ALL hEALth UNIT STAFF And IS RESPONSIbLE FOR ALL ASPECTS OF INMATE hEALth CARE SERVICES INCLUdING AMbULATORY CARE, INFIRMARY And PhARMACY SERVICES AS WELL AS CLINICS And REFERRALS. • WhEREbY the GRIEVANT APPEAL to C.O.R.C. •   dATE: 8-16-05. •   R. Gonzalez.